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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये संप्रतिबंधक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 25 फरवरी 1984

का० आ० 921—राष्ट्रपति संविधान के अनुच्छेद 309 के परन्तु और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय लेखा तथा परीक्षा विभाग में सेवा कर रहे व्यक्तियों के संबंध में नियंत्रक महालेखा परीक्षक से परामर्श करने के पश्चात् मूल नियमों में और आने संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का नाम मूल (पहला संशोधन) नियम, 1984 है।

(2) ये शासकीय राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. मूल नियमों के नियम 56 में, विद्यमान खण्ड (के) के स्थान पर निम्नलिखित को रखा जाएगा, अर्थात् :—

“(के) (1) कोई सरकारी सेवक यदि वह समूह “क” या समूह “ख” की सेवा में या पद पर हो (और उसने पैंतीस वर्ष की आयु प्राप्त करने से पूर्व सरकारी सेवा में प्रवेश किया था) तो पचास वर्ष की आयु प्राप्त करने के पश्चात् और अन्य सभी मामलों में पचपन वर्ष की आयु प्राप्त करने के पश्चात् समुचित प्राधिकारी को कम से कम तीन महीने की लिखित सूचना देकर सेवा निवृत्त हो सकेगा :—

परन्तु

(क) इस खण्ड की कोई बात, खण्ड (ई) में उल्लिखित किसी ऐसे सरकारी सेवक पर, जिसने 23 जुलाई, 1966 को या उसके पूर्व सरकारी सेवा में प्रवेश किया था, लागू नहीं होगी () और

(ख) यह समुचित प्राधिकारी पर निर्भर करेगा कि वह निम्नलिखित किसी सरकारी सेवक को, जो इस खण्ड के अधीन सेवा निवृत्त होना चाहता हो, ऐसे अनुशा रोक ले।

(1ए) (क-1) उप खण्ड (1) में उल्लिखित कोई सरकारी सेवक तीन महीने से कम अवधि की सूचना स्वीकार के लिए ऐसा करने के कारण देते हुए नियुक्ति प्राधिकारी से लिखित रूप में अनुरोध कर सकेगा।

(ख) उप खण्ड (1ए) (क) के अधीन किसी अनुरोध के प्राप्त होने पर नियुक्ति प्राधिकारी तीन महीने की सूचना की अवधि में कमी करने के ऐसे किसी अनुरोध पर गुणदोशों के आधार पर विचार कर सकेगा और अगर वह इस बात से संतुष्ट हो जाए कि सूचना की अवधि में कमी करने से किसी प्रकार की प्रशासनिक असुविधा नहीं होगी तो नियुक्ति प्राधिकारी इस शर्त पर कि सरकारी सेवक तीन महीने की सूचना की अवधि के समाप्त होने से पूर्व अपनी पेंशन के किसी अंश का संराशी-करण कराने के लिए आवेदन नहीं करेगा, तीन महीने की सूचना की अपेक्षा में छूट दे सकेगा।

2 किसी सरकारी सेवक को, जिसने इस नियम के अधीन सेवानिवृत्त होने का विकल्प दिया है और नियुक्ति प्राधिकारी को इस आशय की आवश्यक सूचना दे दी है, उक्त प्राधिकारी के विशिष्ट अनुमोदन के बिना उसे अपना विकल्प वापस नहीं लेने दिया जाएगा :—

परन्तु यह तब, जब कि विकल्प वापस लेने का अनुरोध उसकी सेवानिवृत्ति की आशयित सारीख के भीतर होगा।”

[सं० 25013/25/83-स्था० (क)]
शुमारी एस० सिन्हा, उप सचिव

MINISTRY OF HOME AFFAIRS

(Department of Personnel and Administrative Reforms)

New Delhi, the 25th February, 1984

S.O. 921.—In exercise of the powers conferred by the proviso to article 309 and Clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in regard to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Fundamental Rules, namely :—

1. (1) These rules may be called the Fundamental (First Amendment) Rules, 1984.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Rule 56 of the Fundamental Rules, for the existing clause (k), the following shall be substituted namely :—

“(k)(1) Any Government servant may by giving notice of not less than three months in writing to the appropriate authority retire from service after he has attained the age of fifty years if he is in Group ‘A’ or Group ‘B’ service or post, (and had entered Government service before attaining the age of thirty-five years), and in all other cases after he has attained the age of fifty-five years:

Provided that :—

(a) nothing in this clause shall apply to a Government servant referred to in clause (c) who entered Government service on or before 23rd July, 1966 () and

(b) it shall be open to the appropriate authority to withhold permission to a Government servant under suspension who seeks to retire under this clause.

(1A) (a) A Government servant referred to in sub-clause (1) may make a request in writing to the appointing authority to accept notice of less than three months giving reasons therefor;

(b) On receipt of a request under sub-clause (1A)(a) the appointing authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(2) A Government servant, who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority :

Provided that the request for withdrawal shall be within the intended date of his retirement.”

[No. 25013/25/83-Estt.(A)]
MISS S. TRIKHA, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली 23 जनवरी, 1984

आयकर

का०आ० 922—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड दिनांक 3 मई, 1982 की अपनी अधिसूचना सं० [फा०सं० 187/41/81-आ०क०वि०-1] के साथ संलग्न अनुसूची में निम्नलिखित संशोधन करता है। स्तम्भ 1, 2 तथा 3 के अंतर्गत मौजूदा प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएंगी :—

आयकर आयुक्त	आयुक्त	प्रधान	कार्यालय	क्षेत्राधिकार
आयकर आयुक्त, पश्चिमी बंगाल II	कलकत्ता	1. कंपनी डिस्ट्रिक्ट II, कलकत्ता । 2. डिस्ट्रिक्ट-VIII, कलकत्ता । 3. सिनेमा परिमंडल, कलकत्ता । 4. विशेष परिमंडल-III, कलकत्ता ।		
आयकर आयुक्त, पश्चिमी बंगाल-III	कलकत्ता	1. कंपनी डिस्ट्रिक्ट-III, कलकत्ता । 2. सहकारी निवास परिमंडल, कलकत्ता । 3. विशेष परिमंडल-I, कलकत्ता ।		
आयकर आयुक्त, पश्चिमी बंगाल-IV	कलकत्ता	1. कंपनी डिस्ट्रिक्ट IV, कलकत्ता 2. डिस्ट्रिक्ट-III (1), कलकत्ता । 3. विशेष परिमंडल-II, कलकत्ता ।		

यह अधिसूचना 1 फरवरी, 1984 से प्रभावी होगी।

[सं० 5597/फा०सं० 187/32/83-आ०क०वि०-II]

आर० के० तिवारी, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 23rd January, 1984

INCOME-TAX

S.O. 922.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961) the Central Board of Direct Taxes hereby makes the following amendments to the Schedule appended to its Notification No. [F. No. 187/41/81-IT (AI)] dt. 3-5-1982. The existing entries under columns 1, 2 and 3 shall be substituted by the following entries:—

Commissioner of Income-tax	Head quarters	Jurisdiction
CIT, West Bengal II	Calcutta	1. Companies Dist. II, Calcutta. 2. District : VIII, Calcutta. 3. Cinema Circle, Calcutta. 4. Special Circle-III, Calcutta.
CIT, West Bengal III	Calcutta	1. Companies Dist.-III, Calcutta. 2. Co-operative Housing Circle, Calcutta. 3. Special Circle-I, Calcutta.
CIT, West Bengal IV	Calcutta	1. Companies Dist. IV, Calcutta. 2. Dist.III (1), Calcutta. 3. Special Circle-II, Calcutta.

This notification shall take effect from 1-2-1984.

[No. 5597 / F.No.187/32/83-IT (AI)]

R. K. TEWARI, Under Secy

नई दिल्ली, 3 मार्च, 1984

(आयकर)

का.आं. 923.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80 छ की उपधारा (2)(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "अर्वादी सस्था मन्दिर अडवार, मद्रास" को समस्त तमिलनाडु राज्य में विख्यात सार्वजनिक पूजा-स्थल के रूप में अधिसूचित करती है।

[सं. 5677/फा.सं. 176/53/82-आ.कं. (नि.1)]

New Delhi, the 3rd March, 1984

(INCOME-TAX)

S.O. 923.—In exercise of the powers conferred by sub-section (2)(b) of Section 80-G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Ervadi Sastha Temple, Adwar, Madras" to be a place of public worship of renown throughout the State of Tamil Nadu.

[No. 5677/F. No. 176/53/82-IT(AI)]

(आयकर)

का.आं. 924.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2)(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "श्री तिरुविक्कमस्वामी देवस्थानम मंदिर, तिरुकोइलूर (तमिल नाडु)" को समस्त तमिल नाडु राज्य में एक विख्यात सार्वजनिक पूजा स्थल के रूप में अधिसूचित करती है।

[सं. 5679/फा.सं. 176/6/84-आ.कं. (नि.1)]

(INCOME-TAX)

S.O. 924.—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Thiruvikramaswamy Devasthanam Temple, Tirukoilur (Tamil Nadu)" to be a place of public worship of renown throughout the State of Tamil Nadu.

[No. 5679/F. No. 176/6/84-IT(AI)]

(आयकर)

का.आं. 925.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2)(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "इलयठाकुडी श्री कैलाश नाथ स्वामी श्री नित्य कल्याणी अम्मन टैमल, कराईकुडी" को समस्त तमिल नाडु राज्य में विख्यात सार्वजनिक पूजा-स्थल के रूप में अधिसूचित करती है।

[सं. 5676/फा.सं. 176/20/83-आ.कं. (नि.1)]

(INCOME-TAX)

S.O. 925.—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Ilaiyathakudi Sri Kailasanathaswamy and Nithyakalyani Amman Temple, Karikudi" to be a place of public worship of renown throughout the state of Tamil Nadu.

[No. 5676/F. No. 176/20/83-IT(AI)]

(आयकर)

का.आं. 926.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2)(ख) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "श्री वेलुक्के अजैगिया सिंगा परुमल मंदिर, कांचीपुरम (तमिल नाडु)" को समस्त तमिलनाडु राज्य में विख्यात पूजा स्थल के रूप में अधिसूचित करती है।

[सं. 5678/फा.सं. 176/5/84-आ.कं. (नि.1)]

(INCOME-TAX)

S.O. 926.—In exercise of the powers conferred by sub-section (2)(b) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Velukkai Azhagiya Singa Perumal Temple, Kancheepuram (Tamil Nadu)" to be a place of public worship of renown throughout the State of Tamil Nadu.

[No. 5678/F. No. 176/5/84-IT(AI)]

नई दिल्ली, 5 मार्च, 1984

(आयकर)

का.आं. 927.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा उक्त खण्ड के प्रयोजनार्थ "सेंट एंथनीज चर्च, वलसाड (गुजरात)" को करनिर्धारण-वर्ष 1982-83 से 1984-85 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं. 5689/फा.सं. 197/166/78-आ.कं. (नि.1)]

New Delhi, the 5th March, 1984

(INCOME-TAX)

S.O. 927.—In exercise of the powers conferred by clause (v) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "St. Anthony's Church, Valsad (Gujarat)" for the purpose of the said section for the period covered by the assessment years 1982-83 to 1984-85.

[No. 5689/F. No. 197/166/78-IT(AI)]

(आयकर)

का.आं. 928.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, उक्त खण्ड के प्रयोजनार्थ, "महानिर्वान मठ, बिरभूम, वेस्ट बंगाल" को करनिर्धारण वर्ष 1983-84 से 1985-86 तक के अंतर्गत आने वाली अवधि के लिए अधिसूचित करती है।

[सं. 5690/फा.सं. 197/42/83-आ.कं. (नि.1)]

आर.कं. निवार, अवर सचिव

S.O. 928.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Mahanirovan Math, Birbhum, West Bengal" for the purpose of the said section for the period covered by the assessment years 1983-84 to 1985-86.

[No. 5690/F. No. 197/42/83-IT(AI)]

R. K. TEWARI, Under Secy.

नई दिल्ली, 12 मार्च, 1984

भारत

स्टाम्प

का० आ० 929.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो हरियाणा वित्तीय निगम द्वारा मातृ वे करोड़ बीस लाख रुपये मूल्य के बचन पत्रों के रूप में जारी किये जाने वाले 21वीं श्रृंखला के वन्धपत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं० 19/84-स्टाम्प-का० सं० 33/10/84-वि०क०]

New Delhi, the 12th March, 1984

ORDER

STAMPS

S.O. 929.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the 21st series of bonds in the form of promissory note of the value of rupees two crores and twenty lakhs only to be issued by the Haryana Financial Corporation are chargeable under the said Act.

[No. 19/84-Stamp-F, No. 33/10/84-ST]

भारत

स्टाम्प

का० आ० 930.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो तमिलनाडु हाउसिंग बोर्ड द्वारा एक करोड़ बयानवे लाख पचास हजार रुपये के मूल्य के स्टॉक प्रमाण पत्र और बचन पत्र के रूप में अक्टूबर 1980 में जारी किये गये प्रत्याभूत ऋण पत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं० 18/84-स्टाम्प/का० सं० 33/14/83-वि० क०]

भगवान दास, अवर सचिव

ORDER

STAMPS

S.O. 930.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the guaranteed debenture in the form of Stock Certificates and Promissory notes of the value of rupees One Crores Ninety two lakhs and fifty thousand only issued by the Tamil Nadu Housing Board in October, 1980 are chargeable under the said Act.

[No. 18/84-Stamp F, No. 33/14/83-ST]

BHAGWAN DAS, Under Secy.

केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड

नई दिल्ली, 24 मार्च, 1984

सं. 82/84-सीमा-शुल्क

का. आ. 931 :—केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड, सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राजस्थान राज्य में

भीलवाड़ा जिले की हुडवा तहसील में स्थित तसवारिया ग्राम को भण्डागार स्टेशन घोषित करता है।

[फा. सं. 473/19/84-सी. सु.-7]

टी. एच. के. गौरी, अवर सचिव

CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 24th March, 1984

NO. 82/84-CUSTOMS

S.O. 931.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Taswaria Village, situated in Hurda Tehsil of the Bhilwara District in the State of Rajasthan, to be a warehousing station.

[P. No. 473/19/84-CUS. VII]

T. H. K. GHOURI, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 1 दिसम्बर, 1983

(आयकर)

का० आ० 932.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा दिनांक 18-2-1983 की अपनी अधिसूचना सं० 5093 में निम्नलिखित संशोधन करता है। निम्नलिखित प्रविष्टियां जोड़ी जाएंगी :—

अनुसूची		
आयकर आयुक्त	प्रधान कार्यालय	क्षेत्राधिकार
1	2	3
जाँच-II	कलकत्ता	विशेष परिमण्डल-IX

यह अधिसूचना 1-12-1983 से प्रभावी होगी।

[सं० 5497/फा० सं० 187/31/83-आ० क० (नं० 1)]

आर० के० तिवारी, अवर सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 1st December, 1983

(INCOME-TAX)

S.O. 932.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes makes the following amendment to its Notification No. 5093 dated 18-2-1983. The following entries shall be added.

SCHEDULE

Commissioner of Income Tax	Head Quarters	Jurisdiction
1	2	3
Investigation-II	Calcutta	Special Circle-IX

This notification shall take effect from 1-12-1983.

[No. 5497/F. No. 187/31/83-IT(A)]

R. K. TEWARI, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 22 फरवरी, 1984

का० आ० 933.—केंद्रीय सरकार राजभाषा (संघ के शासकीय प्रमोशन के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में संलग्न अनुबंध में सूचीबद्ध बैंकों के कार्यालयों को, जिनके कर्मचारी-बुन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं० ई—11017/1/84 हिन्दी]

बी०के० सिबल, संयुक्त सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 23rd January, 1984

S.O. 933.—In pursuance of sub-rule 4 of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the offices of the Banks listed in the attached Annexure, the staff whereof have acquired the working knowledge of Hindi.

[No. E-11017/1/84-Hindi]

V. K. SIBAL, Jt. Secy.

बैंक ऑफ इंडिया उत्तर पश्चिमी क्षेत्र

1. राई शाखा,
जी० टी० रोड, राई,
जिला सोनीपत,
हरियाणा

2. करनाल शाखा,
यार्क होटल बिल्डिंग,
जी०टी रोड, करनाल
हरियाणा-132001

3. मंडी शाखा,
पोस्ट बॉक्स नं० 12,
स्कूल बाजार, मंडी
हिमाचल प्रदेश

4. धर्मशाला शाखा
कोतवाली बाजार,
धर्मशाला,
जिला कांगड़ा,
हिमाचल प्रदेश

5. सोनीपत शाखा,
गीता भवन,
सोनीपत,
हरियाणा-131001

बिहार क्षेत्र

6. पारसा बाजार शाखा,
डाकघर पारसागढ़,
जिला सारन,
बिहार-841220

7. मकैर शाखा,
ग्राम व डाकघर मकैर,
जिला सारन,
बिहार

8. मजगांव शाखा,
ग्राम व डाकघर मजगांव,
जिला सिहभूम,
बिहार

9. सतगांव शाखा,
डाकघर सतगांव,
जिला नवदाहा,
बिहार-805132

BANK OF INDIA
NORTH-WEST ZONERai Branch,
G.T. Road,
Rai,
Dist. Sonapat,
Haryana.Karnal Branch,
Yark Hotel Building,
Grand Trunk Road,
Karnal,
Haryana-132 001.Mandi Branch,
Post Box No. 12
School Bazar,
Mandi,
Himachal Pradesh.Dharmasala Branch,
Kotwali Bazar,
Dharamsala,
Dist. Kangra,
Himachal Pradesh.Sonapat Branch,
Gita Bhavan,
Sonapat,
Haryana-131 001.

BIHAR ZONE

Parsa Bazar Branch,
P.O. Parsagarh,
Distt. Saran,
Bihar-841230.Maken Branch,
At & PO Maker,
Distt. Saran,
Bihar.Majhgaon Branch,
At & PO Majhgaon,
Distt. Singhbhuin,
Bihar.Savgawan Branch,
Post Savgawan,
Distt. Nawada,
Bihar-805112.

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| 10. डीएकल शाखा,
डाकघर तोइपा,
जिला राँची,
बिहार | Diankel Branch,
P.O. Torpa,
Distt. Ranchi,
Bihar. |
| उत्तर प्रदेश अंचल | UTTAR PRADESH ZONE |
| 11. कायमगंज शाखा,
रेलवे रोड, कायमगंज,
जिला-फर्रुखाबाद,
उत्तर प्रदेश-207502 | Kaimganj Branch,
Railway Road,
Kaimganj,
Dist: Farrukhabad
Uttar Pradesh-207502 |
| 12. घिरोर शाखा,
घिरोर,
जिला मैथपुरी,
उत्तर प्रदेश-205121 | Ghiror Branch,
Ghiror,
Dist: Mainpuri,
Uttar Pradesh-205121 |
| 13. मल्लावां शाखा,
हर्दोई उन्नाव रोड, मल्लावां,
जिला-हर्दोई,
उत्तर प्रदेश-241303 | Mallawan Branch,
Hardoi Unnao Road,
Mallawan,
Dist. Hardoi,
Uttar Pradesh-241303 |
| 14. सान्डी शाखा,
मोहल्ला नवाबगंज, सान्डी
जिला-हर्दोई,
उत्तर प्रदेश | Sani Branch,
Mohallah Nawabganj,
Sandi

Dist, Hardoi,
Uttar Pradesh. |
| 15. मोहनलालगंज शाखा,
पांडेय बिल्डिंग,
डाकघर मोहनलालगंज,
जिला-लखनऊ,
उत्तर प्रदेश-227305 | Mohanlalganj Branch,
Pandey Building,
P.O. Mohanlal Ganj,
Distt: Lucknow,
Uttar Pradesh-227305 |
| उत्तरी अंचल | NORTHERN ZONE |
| 16. कोटा शाखा,
रामपुरा बाजार,
पो० बा० नं० 32,
कोटा सिटी, डाकघर कोटा,
राजस्थान-324006 | Kota Branch,
Rampura Bazar,
P.O. Box No. 32,
Kota City Post Office, Kota,
Rajasthan,324006. |
| 17. राजाखेड़ा शाखा,
तहसील राजाखेड़ा
जिला-भरतपुर,
राजस्थान-323025 | Rajakhera Branch,
Tehsil Rajakhera,
Distt. Bharatpur,
Rajasthan-323025. |
| 18. रानीवाड़ा शाखा,
मेन रोड,
ग्राम ब डाकघर रानीवाड़ा,
तहसील बिनमाल,
जिला-जालौर,
राजस्थान-343040 | Raniwara Branch,
Main Road,
At & post Raniwara.
Tehsil Binmal,
Distt: Jalora,
Rajasthan-343040. |
| 19. साहुवाला शाखा,
ग्राम साहुवाला
श्रीगंगानगर के पास,
जिला-श्रीगंगानगर,
पद्मपुर रोड,
राजस्थान | Sahuwala Branch,
Village : Sahuwala,
Near Sri Ganganagar,
Distt: Sri Ganganagar,
Padampur Road,
Rajasthan. |

20. उदयपुर शाखा,
कर्जली भवन, 3, न्याय मार्ग,
पो० बा० नं० 60,
उदयपुर,
राजस्थान-313001
- उदयपुर Branch,
Karjali Bhavan,
3, Nyay Marg,
Post Box No. 60,
Udaipur,
Rajasthan-313001.
- मध्य प्रदेश अंशक :
21. नेवरी शाखा,
ग्राम व डाकघर नेवरी,
तहसील बागली,
जिला देवास,
मध्य प्रदेश
- Nevri Branch,
At & Post Nevri,
Tehsil Bagli,
Distt. Dewas,
Madhya Pradesh.
22. घाटिया शाखा,
ग्राम व डाकघर घाटिया,
जिला उज्जैन,
मध्य प्रदेश
- Ghatia Branch,
At & Post Ghatia,
Distt. Ujjain,
Madhya Pradesh.
23. राजनांदगांव शाखा,
सुंदर भवन,
रामाधिन रोड, राजनांदगांव,
जिला-राजनांदगांव,
मध्य प्रदेश
- Rajnandgaon Branch,
Sunder Bhavan,
Ramadhin Road,
Rajnandgaon,
Distt. Rajnandgaon,
Madhya Pradesh.
24. महिदपुर शाखा,
गांधी मार्ग,
महिदपुर, जिला-उज्जैन,
मध्य प्रदेश-456443
- Mahidpur Branch,
Gandhi Marg,
Mahidpur,
Distt. Ujjain,
Madhya Pradesh-456443.
25. बलवाड़ा शाखा,
मेन रोड, ग्राम व डाकघर बलवाड़ा,
तहसील बड़वाड़ा,
जिला पश्चिम निमाड़, मध्य प्रदेश
- Balwada Branch,
Main Road,
At & Post Balwada,
Tehsil Barwaha,
Distt. West Nimar,
Madhya Pradesh.
- यूनियन बैंक आफ इंडिया :
26. अंचलीय कार्यालय, दिल्ली,
यूनियन बैंक आफ इंडिया,
- Zonal Office, Delhi,
Union Bank of India.
27. क्षेत्रीय कार्यालय, दिल्ली,
यूनियन बैंक आफ इंडिया,
- Regional Office, Delhi
Union Bank of India
28. क्षेत्रीय कार्यालय, जालंधर,
यूनियन बैंक आफ इंडिया
- Regional Office, Jullander
Union Bank of India.
29. क्षेत्रीय कार्यालय, चंडीगढ़,
यूनियन बैंक आफ इंडिया
- Regional Office, Chandigarh,
Union Bank of India.
- संघ शासित क्षेत्र-दिल्ली (38) :
30. आनंद निकेतन शाखा,
यूनियन बैंक आफ इंडिया,
नई दिल्ली-110021
- Anand Niketan Branch,
Union Bank of India
New Delhi-110021.
31. अंसारी रोड शाखा,
यूनियन बैंक आफ इंडिया,
नई दिल्ली-2
- Ansari Road Branch,
Union Bank of India
New Delhi-2.

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| 32. आसफ अली रोड, शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-2 | Asaf Ali Road, Branch,
Union Bank of India,
New Delhi-2. |
| 33. अशोक विहार शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-53 | Asbok Vihar Branch,
Union Bank of India,
New Delhi-53. |
| 34. आजादपुर शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-33 | Azadpur Branch,
Union Bank of India,
New Delhi-33. |
| 35. बाकानेर शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-40 | Bakaner Branch,
Union Bank of India,
New Delhi-40. |
| 36. चावनी चौक शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-6 | Chandni Chowk Branch,
Union Bank of India,
New Delhi-6. |
| 37. चंद्रनगर शाखा,
यूनियन बैंक आफ इंडिया,
दिल्ली-51 | Chandra Nagar Branch,
Union Bank of India,
Delhi-51. |
| 38. चावड़ी बाजार शाखा,
यूनियन बैंक आफ इंडिया,
दिल्ली-6 | Chawri Bazar Branch,
Union Bank of India,
Delhi-6. |
| 39. कनॉट प्लेस शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-1 | Connaught Place Branch,
Union Bank of India,
New Delhi-1. |
| 40. दिल्ली छावनी शाखा,
यूनियन बैंक आफ इंडिया,
दिल्ली-छावनी-10 | Delhi Cantt. Branch,
Union Bank of India,
Delhi Cantt-10. |
| 41. होलंबी शाखा,
यूनियन बैंक आफ इंडिया,
दिल्ली-82 | Holumbi Branch,
Union Bank of India,
New Delhi-82. |
| 42. कैलाश कॉलोनी शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-48 | Kailash Colony Branch,
Union Bank of India,
New Delhi-48. |
| 43. करोलबाग शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-5 | Karol Bagh Branch,
Union Bank of India,
New Delhi-5. |
| 44. कश्मीरी गेट शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-6 | Kashmiri Gate Branch,
Union Bank of India,
New Delhi-6. |
| 45. खारी बावली शाखा,
यूनियन बैंक आफ इंडिया,
दिल्ली-6 | Khari Baoli Branch,
Union Bank of India,
Delhi-6. |
| 46. लाजपतनगर शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-24 | Lajpat Nagar Branch,
Union Bank of India,
New Delhi-24. |
| 47. लोधी कॉलोनी शाखा,
यूनियन बैंक आफ इंडिया,
नयी दिल्ली-3 | Lodhi Colony Branch,
Union Bank of India,
New Delhi-3. |
| 48. माल रोड शाखा,
यूनियन बैंक आफ इंडिया,
दिल्ली-9 | Mall Road Branch,
Union Bank of India,
Delhi-9. |

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| 19. मंगोलपुरी शाखा,
यूनियन बैंक ऑफ इंडिया,
दिल्ली-41। | Mangolpuri Branch,
Union Bank of India,
Delhi-41. |
| 50. मुखमेलपुर शाखा,
यूनियन बैंक ऑफ इंडिया,
दिल्ली-36। | Mukmelpur Branch,
Union Bank of India,
Delhi-36. |
| 51. नरैना शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-28। | Naraina Branch,
Union Bank of India,
New Delhi-28. |
| 52. नेहरू प्लेस शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-24। | Nehru Place Branch,
Union Bank of India,
New Delhi-24. |
| 53. पटेल नगर शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-8। | Patel Nagar Branch,
Union Bank of India,
New Delhi-8. |
| 54. पहाड़गंज शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-55। | Pahar Ganj Branch,
Union Bank of India,
New Delhi-55. |
| 55. पंजाबी बाग शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-26। | Punjabi Bagh Branch,
Union Bank of India,
New Delhi-26. |
| 56. सदार बाजार शाखा,
यूनियन बैंक ऑफ इंडिया,
दिल्ली-6। | Sadar Bazar Branch,
Union Bank of India,
Delhi-6. |
| 57. सफदरजंग विकास क्षेत्र शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-16। | Safdarjung Deve. Area Branch,
Union Bank of India,
New Delhi-16. |
| 58. सराफा बाजार शाखा,
यूनियन बैंक ऑफ इंडिया,
दिल्ली-6। | S.B. Sarafa Market Branch,
Union Bank of India,
Delhi-6. |
| 59. समालका शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-37। | Samalka Branch,
Union Bank of India,
New Delhi-37. |
| 60. शाहदरा शाखा,
यूनियन बैंक ऑफ इंडिया,
दिल्ली-32। | Shahdara Branch,
Union Bank of India,
Delhi-32. |
| 61. सब्जी मंडी शाखा,
यूनियन बैंक ऑफ इंडिया,
दिल्ली-7। | Subzi Mandi Branch,
Union Bank of India,
Delhi-7. |
| 62. सुंदर नगर शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-3। | Sunder Nagar Branch,
Union Bank of India,
New Delhi-3. |
| 63. वसंत विहार शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-57। | Vasant Vihar Branch,
Union Bank of India,
New Delhi-57. |
| 64. यूसुफ सराय शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली-16। | Yusaf Sarai Branch,
Union Bank of India,
New Delhi-16. |
| 65. नयी दिल्ली राजौरी गार्डन शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली। | New Delhi Rajouri Garden Branch,
Union Bank of India,
New Delhi. |

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| 66. दिल्ली पश्चिम विहार शाखा,
यूनियन बैंक ऑफ इंडिया,
नयी दिल्ली। | Delhi Paschim Vihar Branch,
Union Bank of India,
New Delhi. |
| 67. ओचंडी शाखा,
यूनियन बैंक ऑफ इंडिया,
ब्लॉक नांगलोई।
पंजाब राज्य (49) | Ochandi Branch,
Union Bank of India,
Block Nangloi.
PUNJAB STATE (49) |
| 68. आदमपुर-डोआबा शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-144102। | Adampur-Doaba Branch,
Union Bank of India,
Jullunder-144 102. |
| 69. अखाड़ा शाखा,
यूनियन बैंक ऑफ इंडिया,
लुधियाना-142026। | Akhara Branch,
Union Bank of India,
Ludhiana-142026. |
| 70. अमृतसर शाखा,
यूनियन बैंक ऑफ इंडिया,
अमृतसर-143001। | Amritsar Branch,
Union Bank of India,
Amritsar-143 001. |
| 71. अमृतसर-मजीठ मंडी शाखा,
यूनियन बैंक ऑफ इंडिया,
अमृतसर-143001। | Amritsar-Majith Mandi Branch,
Union Bank of India,
Amritsar-143001. |
| 72. बाजवाड़ा शाखा,
यूनियन बैंक ऑफ इंडिया,
होशियारपुर-146023। | Bajwara Branch,
Union Bank of India,
Hosiarpur-146023. |
| 73. बड़पिंड शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-144418। | Barapind Branch,
Union Bank of India,
Jullunder |
| 74. बटाला शाखा,
यूनियन बैंक ऑफ इंडिया,
गुरदासपुर-143505। | Batala Branch,
Union Bank of India,
Gurdaspur-143505. |
| 75. भटिन्डा शाखा,
यूनियन बैंक ऑफ इंडिया,
भटिन्डा-151001। | Bhatinda Branch,
Union Bank of India,
Bhatinda-151001. |
| 76. बिल्या शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-341306। | Bilga Branch,
Union Bank of India,
Jullunder. |
| 77. बोपाराय शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-144409। | Boparai Branch,
Union Bank of India,
Jullunder-144 409. |
| 78. बूटरा शाखा।
यूनियन बैंक ऑफ इंडिया,
जालंधर-144622। | Buttaran Branch,
Union Bank of India,
Jullunder-144 622. |
| 79. फरीदकोट शाखा,
यूनियन बैंक ऑफ इंडिया,
फरीदकोट-151203। | Faridkot Branch,
Union Bank of India,
Faridkot-151 203. |
| 80. फिरोजपुर शाखा,
यूनियन बैंक ऑफ इंडिया,
फिरोजपुर-152002। | Ferozepur Branch,
Union Bank of India,
Ferozpur-152002 |
| 81. घावड़ी शाखा,
यूनियन बैंक ऑफ इंडिया,
लुधियाना-141206। | Ghawadi Branch,
Union Bank of India,
Ludhiana-141 206. |

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| 82. हररायपुर शाखा,
यूनियन बैंक ऑफ इंडिया,
भटिन्डा। | Harraipur Branch,
Union Bank of India,
Bhatinda. |
| 83. होशियारपुर शाखा,
यूनियन बैंक ऑफ इंडिया,
होशियारपुर-146001. | Hoshiarpur Branch,
Union Bank of India,
Hoshiarpur-146001. |
| 84. जांडियाला शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-141303. | Jandiala Branch,
Union Bank of India,
Jullunder-141303. |
| 85. जस्सोवाल शाखा,
यूनियन बैंक ऑफ इंडिया,
लुधियाना, वाया गिल्ल। | Jassowal Branch,
Union Bank of India,
Ludhiana Via Gill. |
| 86. जालंधर शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर शहर-141001. | Jullunder Branch,
Union Bank of India,
Jullundur City-144001. |
| 87. बस्ती-नौ शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-144002. | Basti-Nao Branch,
Union Bank of India,
Jullunder-144002. |
| 88. खन्ना शाखा,
यूनियन बैंक ऑफ इंडिया,
लुधियाना-141401. | Khanna Branch,
Union Bank of India,
Ludhiana-141401. |
| 89. खानपुर शाखा,
यूनियन बैंक ऑफ इंडिया,
रोपड़-140301. | Khanpur Branch,
Union Bank of India,
Ropar-140301. |
| 90. लताला शाखा,
यूनियन बैंक ऑफ इंडिया,
लुधियाना-141205. | Latala Branch,
Union Bank of India,
Ludhiana-141205. |
| 91. लुधियाना मुख्य शाखा,
यूनियन बैंक ऑफ इंडिया,
लुधियाना-141008. | Ludhiana (Main) Branch,
Union Bank of India,
Ludhiana-141008. |
| 92. लुधियाना (जी० टी० रोड) शाखा,
यूनियन बैंक ऑफ इंडिया,
लुधियाना-141003. | Ludhiana (G.T. Road) Branch,
Union Bank of India,
Ludhiana-141003. |
| 93. लुधियाना-एक्सटेंशन काउंटर,
यूनियन बैंक ऑफ इंडिया,
लुधियाना। | Ludhiana Extension Counter,
Union Bank of India,
Ludhiana. |
| 94. महिलपुर शाखा,
यूनियन बैंक ऑफ इंडिया,
होशियारपुर-146105. | Mahilpur Branch,
Union Bank of India,
Hoshiarpur-146105. |
| 95. मंडी गोबिन्दगढ़ शाखा,
यूनियन बैंक ऑफ इंडिया,
पटियाला-147301. | Mandi Gobindgarh Branch,
Union Bank of India,
Patiala-147301. |
| 96. मोगा शाखा,
यूनियन बैंक ऑफ इंडिया,
फरीदकोट-142001. | Moga Branch,
Union Bank of India,
Faridkot-142001. |
| 97. मुक्तसर शाखा,
यूनियन बैंक ऑफ इंडिया,
फरीदकोट-152026. | Muktsar Branch,
Union Bank of India,
Faridkot-152026. |
| 98. मुस्सापुर शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-144513. | Mussapur Branch,
Union Bank of India,
Jullundur-144513. |

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| 99. मुस्तफापुर शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-144801. | Musafapur Branch,
Union Bank of India,
Jullundur-144801. |
| 100. नकोदर शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-141310. | Nakodar Branch,
Union Bank of India,
Jullundur-141310. |
| 101. नवां शहर-दोआबा शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-144514. | Nawanshahr-Doaba Branch,
Union Bank of India,
Jullundur-144514. |
| 102. नूरमहल शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-141309. | Noormahal Branch,
Union Bank of India,
Jullundur-141309. |
| 103. पटियाला (मुख्य) शाखा,
यूनियन बैंक ऑफ इंडिया,
पटियाला-147001. | Patiala (Main) Branch,
Union Bank of India,
Patiala-147001. |
| 104. पटियाला-धर्मपुरा बाजार शाखा,
यूनियन बैंक ऑफ इंडिया,
पटियाला-147001. | Patiala-Dharampura Bazar Branch,
Union Bank of India,
Patiala-147001. |
| 105. पठानकोट शाखा,
यूनियन बैंक ऑफ इंडिया,
गुरदासपुर-145001. | Pathankot Branch,
Union Bank of India,
Gurdaspur-145001. |
| 106. फुलानवाला शाखा,
यूनियन बैंक ऑफ इंडिया,
लुधियाना-142027. | Phullanwala Branch,
Union Bank of India,
Ludhiana-142027. |
| 107. पुरहीरा शाखा,
यूनियन बैंक ऑफ इंडिया,
होशियारपुर-146111. | Parhira Branch,
Union Bank of India,
Hoshiarpur-146111. |
| 108. रूझकाकलां शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-141301. | Rourkakalan Branch,
Union Bank of India,
Jullundur-141301. |
| 109. संगरूर शाखा,
यूनियन बैंक ऑफ इंडिया,
संगरूर-148001. | Sangrur Branch,
Union Bank of India,
Sangrur-148001. |
| 110. शंकर शाखा,
यूनियन बैंक ऑफ इंडिया,
जालंधर-141316. | Shankar Branch,
Union Bank of India,
Jullundur-141316. |
| 111. पटियाला धर्मपुरा बाजार शाखा,
यूनियन बैंक ऑफ इंडिया,
जिला-पटियाला. | Patiala Dharampura Bazar Branch,
Union Bank of India,
Distt. Patiala. |
| 112. भुम्बली शाखा,
यूनियन बैंक ऑफ इंडिया,
जिला-गुरदासपुर. | Bhumbli Branch,
Union Bank of India,
Distt. Gurudaspur. |
| 113. जफरवाल शाखा,
यूनियन बैंक ऑफ इंडिया,
जिला-गुरदासपुर. | Jaffarwal Branch,
Union Bank of India,
Distt. Gurudaspur. |
| 114. कोट संतोष राय शाखा,
यूनियन बैंक ऑफ इंडिया,
जिला गुरदासपुर. | Kot Santoshrai Branch,
Union Bank of India,
Distt. Gurudaspur. |
| 115. शाहपुर गौरैया शाखा,
यूनियन बैंक ऑफ इंडिया,
जिला-गुरदासपुर. | Shahpur Gorayya Branch,
Union Bank of India,
Distt. Gurudaspur. |

116. साहिबजादा अजीत सिंह नगर शाखा (मोहली), यूनियन बैंक ऑफ इंडिया, जिला रुपनगर हरियाणा राज्य (12)	Sahibzada Ajit Singh Nagar Branch, (Mouali), Union Bank of India, Distt. Rupnagar HARYANA STATE (12)
117. अम्बाला शहर शाखा, यूनियन बैंक ऑफ इंडिया, अम्बाला शहर-134002।	Ambala City Branch, Union Bank of India, Ambala City-134 002.
118. भापरा शाखा, यूनियन बैंक ऑफ इंडिया, करनाल-132101।	Bhapra Branch, Union Bank of India, Karnal-132 101.
119. फरीदाबाद शाखा, यूनियन बैंक ऑफ इंडिया, फरीदाबाद-121001।	Faridabad Branch, Union Bank of India, Faridabad-121 001.
120. गुमहालगढ़ शाखा, यूनियन बैंक ऑफ इंडिया, कुरुक्षेत्र-132128।	Gumhalagaru Branch, Union Bank of India, Kurukshetra-132 128.
121. गुड़गांव शाखा, यूनियन बैंक ऑफ इंडिया, गुड़गांव-122001।	Gurgaon Branch, Union Bank of India, Gurgaon-122 001.
122. करनाल शाखा, यूनियन बैंक ऑफ इंडिया, करनाल-122001।	Karnal Branch, Union Bank of India, Karnal-132 108.
123. नांगल खेड़ी शाखा, यूनियन बैंक ऑफ इंडिया, करनाल-132108।	Nangal Kheri Branch, Union Bank of India, Karnal-132 108.
124. निम्बरी शाखा, यूनियन बैंक ऑफ इंडिया, करनाल-132104।	Nimbri Branch, Union Bank of India, Karnal-132 104.
125. पानीपत शाखा, यूनियन बैंक ऑफ इंडिया, करनाल-132103।	Panipat Branch, Union Bank of India, Karnal-132 103.
126. रोहतक शाखा, यूनियन बैंक ऑफ इंडिया, रोहतक-124001।	Rohak Branch, Union Bank of India, Rohak-124 001.
127. सिरसा शाखा, यूनियन बैंक ऑफ इंडिया, सिरसा-125055।	Sirsa Branch, Union Bank of India, Sirsa-125055.
128. यमुनानगर शाखा, यूनियन बैंक ऑफ इंडिया, अम्बाला-135001। संघ प्र.मि.क्षेत्र, चंडीगढ़ (3)	Yamuna Nagar Branch, Union Bank of India, Ambala-135001. UNION TERRITORY CHANDIGARH (3)
129. चंडीगढ़ शाखा, यूनियन बैंक ऑफ इंडिया, चंडीगढ़-160017।	Chandigarh Branch, Union Bank of India, Chandigarh-160017.
130. चंडीगढ़ शाखा, यूनियन बैंक ऑफ इंडिया, चंडीगढ़-160022।	Chandigarh Branch, Union Bank of India, Chandigarh-160022.
131. कुलू शाखा, यूनियन बैंक ऑफ इंडिया, कुलू-175101।	Kulu Branch, Union Bank of India, Kulu-175101.

इंडियन ओवरसीज बैंक

132. आगरा-हथरस रोड,
133. आगरा-आर० बी० एस० कालिज
134. अलीगढ़
135. इलाहाबाद
136. अरसोनी
137. देहरादून
138. धमेड़ा
139. गोरखपुर
140. जवेहरा शमसपुर
141. झांसी
142. कैलाशवन
143. कानपुर-माल रोड
144. कानपुर-एस० बी० ए० ए०
145. लक्सर
146. लखनऊ
147. लखनऊ-अमीनाबाद
148. लखनऊ-दालीगंज
149. लखनऊ-गोलागंज
150. मई
151. मथुरा
152. मेरठ
153. मुजफ्फर नगर
154. सहारनपुर
155. वाराणसी
156. वाराणसी छावनी
157. वृन्दावन
158. नगौरा
159. रछौती
160. रामसागर मिश्र नगर
161. रूड़की
162. रोहलकी क़िसनपुर

ओरिएंटल बैंक ऑफ़ कामर्स

163. ओरिएंटल बैंक ऑफ़ कामर्स,
प्रादेशिक कार्यालय,
सिविल लाइन्स
क्वीन्स रोड,
अमृतसर-143001।
164. ओरिएंटल बैंक ऑफ़ कामर्स,
प्रादेशिक कार्यालय,
237, महाराणा प्रताप नगर,
जोन नं० 1 हबीबगंज
भोपाल-462001।
165. ओरिएंटल बैंक ऑफ़ कामर्स,
प्रादेशिक कार्यालय,
सेक्टर-17/बी,
चण्डीगढ़-160017

INDIA OVERSEAS BANK

- Agra-Hathras Road.
Agra-RBS College.
Aligarh.
Allahabad.
Artoni.
Dehra Dun.
Dhamada
Gorakhpur.
Jandhera Shamuspur
Jhansi.
Kailavan.
Kanpur-Mall Road.
Kanpur-SBAA
Laksar.
Lucknow.
Lucknow-Aminabadj.
Lucknow-Daliganj.
Lucknow-Golaganj
Mai.
Mathura
Meerut.
Muzaffar Nagar
Saharanpur.
Varanasi.
VaranasiCantonment
Vrindavan.
Nagoura.
Rachhoti.
Ramsagar Misra Nagar.
Roorkee
Ruhalki Kishanpur.

ORIENTAL BANK OF COMMERCE

- Oriental Bank of Commerce,
Regional Office,
Civil Lines,
Queens Road,
Amritsar-143 001.
- Oriental Bank of Commerce,
Regional Office,
237, Maharana Pratap Nagar,
Zone No. 1,
Habibganj,
Bhopal-462 001.
- Oriental Bank of Commerce,
Regional Office,
Sector-17/B,
Chandigarh-160 617.

देना बैंक	DENA BANK
166. रोहतक शाखा, 719/2 सिविल रोड, रोहतक-124001, हरियाणा	Rohtak Branch, 719/2, Civil Road, Rohtak 124 001. Haryana
167. मथुरा शाखा सुधासार-भवन, छत्ता बाजार, मथुरा (उ० प्र०)	Mathura Branch, Sudhasar Bhavan, Chhatta Bazar Mathura (U.P.)
168. ऐहार शाखा ऐहार-229121 जिला राय बरेली (उ० प्र०)	Aihar Branch, Aihar 229 121 Distt. Rai Bareilly, (U.P.)
169. रामगढ़ शाखा रामगढ़ (सेखवाटी)-331024 जिला सीकर, राजस्थान	Ramgarh Branch, Ramgarh (Sekhawati) 331 024 Distt Sikar. Rajasthan.
170. धार शाखा 63, जवाहर मार्ग, धार-454001 जिला धार (म० प्र०)	Dhar Branch, 63, Jawahar Marg Dhar-454 001 Distt. Dhar (M.P.)
171. बीड़शाखा बीड़-450110 जिला पूर्व निमाड़ (म० प्र०)	Bir Branch Bir. 450110 Dist. East Nimar. (MP.)
172. बड़वानी शाखा रानीपुरा रोड, बड़वानी-451550 जिला खारगोन	Barwani Branch, Ranipura Road, Barwani-451 551. Distt. Khargon.
173. खोर्पा शाखा खोर्पा, ब्लॉक : अभनपुर जिला रायपुर (म० प्र०)	Khorpa Branch, Khorpa, Block. Abhanpur, Distt. Raipur, (M.P.)
174. भोथली शाखा भोथली ब्लॉक धमतरी जिला रायपुर (म० प्र०)	Bhothali Branch, Bhothali Block, Dhamtari, Distt Raipur (M.P.)
175. बून्देली शाखा बून्देली, ब्लॉक पिथोरा जिला रायपुर (म० प्र०)	Bundeli, Branch, Bundeli, Block Pithora, Distt. Raipur (M.P.)
176. तोरला शाखा तोरला ब्लॉक अभनपुर जिला रायपुर (म० प्र०)	Torala Branch, Torala, Block Abhanpur, Distt. Raipur Madhya Pradesh.

177. नवागढ़ शाखा
नवागढ़
ब्लाक गरियाबंद
जिला रायपुर (म.प्र.)

Navagarh Branch.
Navagarh.
Block Gariyaband.
Distt. Raipur (M.P.)

178. फुलझर शाखा
फुलझर
ब्लाक बसना
जिला रायपुर (म.प्र.)

Phujhar Branch
Phujhar
Block Basna,
Distt. Raipur (M.P.)

179. तोषगांव शाखा
तोषगांव
ब्लाक सरायपाली
जिला रायपुर (म.प्र.)

Toshgaon Branch,
Toshgaon
Block, Saraypali,
Distt Raipur (M.P.)

180. भारतीय रिजर्व बैंक
भारतीय रिजर्व बैंक,
कानपुर कार्यालय,
कानपुर।

RESERVE BANK OF INDIA
Reserve Bank of India,
Kanpur Office,
Kanpur.

नई दिल्ली, 8 मार्च, 1984

का० आ० 934.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की तृतीय अनुसूची में दिए गए प्ररूप के साथ संलग्न टिप्पणी (एफ) के उपबंध में निम्नलिखित बैंकों पर, जहाँ तक कि 31 दिसम्बर, 1983 को उनके मूलन-पत्रों का सम्बन्ध है, लागू नहीं होंगे:—

1. इलाहाबाद बैंक
2. ओरियंटल बैंक आफ कामर्स
3. स्टेट बैंक आफ मैसूर
4. बनारस स्टेट बैंक लि०
5. यूनाइटेड कोस्टल बैंक लि०
6. पंजाब नेशनल बैंक
7. बैंक आफ इंडिया

[सं० 15/5/84-बी० ओ० III]
साधव बैद्य, अवर सचिव

New Delhi, the 8th March, 1984

S.O. 934.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India hereby declares that the provisions of Note(f) appended to the form 'A' in the Third Schedule of the said Act shall not apply to the following banks viz :—

1. Allahabad Bank
2. Oriental Bank of Commerce
3. State Bank of Mysore
4. Benaras State Bank Ltd.
5. United Western Bank Ltd.
6. Punjab National Bank
7. Bank of India.

in respect of their balance sheet as on the 31st December, 1983.

[No. 15/5/84-B. O. III]
M. R. VAIDYA, Under Secy.

वाणिज्य मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 14 मार्च, 1984

का०आ० 935 निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, निर्यात निरीक्षण अधिकरण मद्रास को खनिज तथा अयस्क ग्रुप 1 के निरीक्षण के लिए अधिकरण के रूप में एक और वर्ष की अवधि के लिए मान्यता देती है।

[सं० 5(3)/83-ई०आ० ई० एण्ड ई०पी०]

MINISTRY OF COMMERCE

(Department of Commerce)

New Delhi, the 14th March, 1984

S.O. 935.—In exercise of the powers conferred by Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of one year Export Inspection Agency-Madras as an Agency for the inspection of Minerals and Ores Group-I.

[No. 5(3)/83-EI&EP]

आदेश

नई दिल्ली, 24 मार्च, 1984

का० आ० 936.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह द्वायतन करने के प्रयोजन के लिए इस अधिसूचना के उपबंध में यथा विनिर्दिष्ट वाणिज्यीकृत तथा उसके निरूपणों के संबंध में भारतीय मानक संग्रह प्रमाणन चिन्ह को मान्यता देने की प्रस्तावना करती है कि जहाँ वाणिज्यीकृत तथा उसके निरूपणों के चिह्नों या पैकेजों पर ऐसे चिन्ह लगाए जाते हैं या चिपकाए जाते हैं वे उक्त अधिनियम की धारा 6 के अधीन उक्त पर लागू होने वाले मानक विनिर्देशों के अनुरूप समझ जाएंगे;

और अतः केन्द्रीय सरकार ने उक्त निमित्त प्रस्तावों को बनाने के पश्चात् निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अधीनानुसार निर्यात निरीक्षण परिपद को भेज दिया है।

अतः, अब, केन्द्रीय सरकार उक्त नियमों के नियम 11 के उप-नियम (6) के अनुसरण में तथा भारत सरकार के तत्कालीन वाणिज्य और नागरिक आपूर्ति मंत्रालय (वाणिज्य विभाग) के आदेश सं० का० आ० 921 तारीख 12 अप्रैल, 1980 को अधिकांश करत हुए, उक्त प्रस्तावों को उन व्यक्तियों की जानकारी के लिए प्रकाशित करती है जिनके उनसे प्रभावित होने की संभावना है।

2. सूचना दी जाती है कि कोई भी व्यक्ति जो उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव भेजना चाहें तो वह इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिनों के भीतर भारतीय निर्यात निरीक्षण परिषद्, "प्रगति टावर" (ग्यारहवीं मंजिल), 26, राजेन्द्र प्लेन, नयी दिल्ली-110008, को भेज सकेगा।

3. इस आदेश में "नाशिकीकरण तथा उसके निरूपणों" से अभिप्राय इस आदेश के उपाबंध में यथा विनिर्दिष्ट नाशिकीकरण तथा उसके निरूपण हैं।

उपाबंध

1. बी एच सी तकनीकी
2. बी एच सी, डस्टिंग चूर्ण
3. बी एच सी, पानी में घुलनशील सांद्रित चूर्ण
4. बी एच सी, पायसीकृत दाने
5. डी डी टी डस्टिंग चूर्ण
6. डी डी टी, पानी में घुलनशील सांद्रित चूर्ण
7. डी डी टी, पायसीकृत दाने
8. पायरेथ्रम निस्सारण
9. डाथलड्रिन पायसीकृत दाने
10. जिक फामफाइड
11. एलड्रिन पायसीकृत दाने
12. एलड्रिन डस्टिंग चूर्ण
13. एलड्रिन पायसीकृत दाने
14. कोपर आक्सीक्लोराइड डस्टिंग चूर्ण
15. कोपर आक्सीक्लोराइड पानी में घुलनशील सांद्रित चूर्ण
16. पैराथियन पायसीकृत दाने
17. फिनिल मर्करी एसोटेट पर आधारित निरूपण
18. स्थायी मेथेक्सी एथिल मर्करी क्लोराइड पर आधारित निरूपण
19. मेलेथियन पायसीकृत दाने
20. बिनापाक्राइल पायसीकृत दाने
21. क्लोरेडेन डस्टिंग चूर्ण
22. क्लोरेडेन पायसीकृत दाने
23. क्यूपरस आक्साइड डस्टिंग चूर्ण
24. क्यूपरस आक्साइड पानी में घुलनशील सांद्रित चूर्ण
25. डायजियन पायसीकृत दाने
26. डायजियन पानी में घुलनशील सांद्रित चूर्ण
27. डायक्लोरेथम पायसीकृत दाने
28. डाइकोपोल पायसीकृत दाने
29. डाइलड्रिन पानी में घुलनशील चूर्ण दाने
30. डाइमेथोट पायसीकृत दाने
31. पायसीकृत कार्बोसाइड तेल पाइरेथ्रम बेन में
32. एंडोसल्फन डस्टिंग चूर्ण

1538 GI/83—3

33. एंडोसल्फन पायसीकृत दाने
34. फीनोटोलियन पायसीकृत दाने
35. स्थायी एथोक्सी ऐथिल मर्करी क्लोराइड दानों पर आधारित निरूपण
36. छिड़कने का घरेलू कीट नाशक द्रव्य
37. चूना गंधक घोल
38. मैलेथियन डस्टिंग चूर्ण
39. मैलेथियन पानी में घुलनशील सांद्रित चूर्ण
40. मिथाइल पैराथियन पायसीकृत दाने
41. औरगैनोमरेकुरियल ड्राइ सीड ड्रैसिंग निरूपण
42. पायरेथ्रम पायसीकृत दाने
43. गंधक का चूर्ण, भिगोने योग्य
44. थियोटोन पायसीकृत दाने
45. थाइरम सीड ड्रैसिंग निरूपण
46. वर्फरेन चारे के दाने
47. बिना पानी में घुलनशील चूर्ण
48. इंडोसल्फन पानी में घुलनशील चूर्ण
49. जिरम पानी में घुलनशील चूर्ण
50. थाइरम पानी में घुलनशील चूर्ण
51. गामा बी एच सी (लिण्डेन) धुआं कारक
52. निकोटीन गंधक (सल्फेट)
53. ऐथिल पैराथियन
54. एल्यूमीनियम फासफाइड

*पाद टिप्पण: का० आ० 3310 तारीख 7-10-1970

[फा० सं० 6(15)/83-ई आई एंड ई पी]]

ORDER

New Delhi, the 24th March, 1984

S.O. 936.—Whereas the Central Government in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), proposes to recognise the Indian Standards Institution Certification mark in relation to Pesticides and their formulation as specified in Annexure to this notification for the purpose of denoting that where the cartons or packages containing pesticides and their formulations are affixed or applied with such mark they shall be deemed to be in conformity with the standard specifications applicable thereto under section 6 of the Act;

And whereas the Central Government after formulating its proposals in this behalf, forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964.

Now, therefore, in pursuance of sub-rule (6) of rule 11 of the said rule and in supersession of the Order of the Government of India in the late Ministry of Commerce and Civil Supplies (Department of Commerce) No. S. O. 921, dated the 12th April, 1980, the Central Government hereby publishes the proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty-five days of the publication of this Order in the Official Gazette to the Export Inspection Council of India, "Pragati Tower" (11th Floor), 26, Rajendra Place, New Delhi-110008.

3. In this Order "Pesticides and their formulations" shall mean the pesticides and their formulations as specified in the Annexure to this Order.

ANNEXURE

आदेश

1. BHC, technical
2. BHC, dusting powders
3. BHC, water dispersible powder concentrates
4. BHC, emulsifiable concentrates
5. DDT, dusting powders
6. DDT, water dispersible powder concentrates
7. DDT, emulsifiable concentrates
8. Pyrethrum extracts
9. Dieldrin emulsifiable concentrates
10. Zinc phosphide
11. Aldrin emulsifiable concentrates
12. Aldrin dusting powders
13. Endrin emulsifiable concentrates
14. Copper oxychloride dusting powders
15. Copper oxychloride water dispersible powder concentrates
16. Parathion emulsifiable concentrates
17. Formulations based on phenyl mercury acetate
18. Formulations based on stabilised methoxy ethyl mercury chloride concentrates
19. Malathion emulsifiable concentrates
20. Binapacryl emulsifiable concentrates
21. Chlordane dusting powders
22. Chlordane emulsifiable concentrates
23. Cuprous oxide dusting powders
24. Cuprous oxide water dispersible powder concentrates
25. Diazinon emulsifiable concentrates
26. Diazinon water dispersible powder concentrates
27. Dichlorvos emulsifiable concentrates
28. Dicofol emulsifiable concentrates
29. Dieldrin water dispersible powder concentrates
30. Dimethoate emulsifiable concentrates
31. Emulsifiable Larvicidal oil, Pyrethrum based
32. Emdosulfan dusting powders
33. Endosulfan emulsifiable concentrates
34. Fonitrothion emulsifiable concentrates
35. Formulations based on stabilized ethoxy ethyl mercury chlorides concentrates
36. Household insecticidal spray
37. Lime sulphur solution
38. Malathion dusting powders
39. Malathion water dispersible powder concentrates
40. Methyl parathion emulsifiable concentrates
41. Organo-mercurial dry seed dressing formulations
42. Pyrethrum emulsifiable concentrates
43. Sulphur powder, wettable
44. Thiomethon emulsifiable concentrates
45. Thiram seed dressing formulations
46. Warfarin bait concentrates
47. Zinab water dispersible powder
48. Endosulfan water dispersible powder concentrates
49. Ziram water dispersible powder
50. Thiram water dispersible powder concentrates
51. Gamma-BHC (Lindane) smoke generators
52. Nicotine sulphate
53. Ethyl Parathion
54. Aluminium phosphide.

का०आ० 937.—भारत के निर्यात व्यापार के विकास के लिए भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का०आ० 4007 तारीख 31 दिसम्बर, 1977, में संशोधन करने के लिए कनिष्ठ प्रस्ताव नियति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप नियम (2) की अपेक्षाानुसार, भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का०आ० 2743 तारीख 2 जुलाई, 1983 के अधीन भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 2 जुलाई, 1983 में प्रकाशित किए गए थे और उक्त राजपत्र की प्रतियाँ जनता को 19 जुलाई, 1983 को उपलब्ध करा दी गई थी,

और उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, 16 अगस्त, 1983 तक आक्षेप और सुझाव मागे गए थे;

और उक्त आदेश पर जनता में कोई आक्षेप और सुझाव प्राप्त नहीं हुए है;

अतः, अब, केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात निरीक्षण परिषद् से परामर्श करते के पश्चात् भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का०आ० 4007 तारीख 31 दिसम्बर, 1977 में निम्नलिखित और संशोधन करती है,

उक्त अधिसूचना में, खण्ड 2 के स्थान पर निम्नलिखित खण्ड रखा जाएगा, अर्थात् :—

"2. इस आदेश की कोई भी बात भावी क्रेताओं को भूमि, समुद्र या वायु मार्ग द्वारा मछली और मछली उत्पादों के ऐसे नमूनों के निर्यात को लागू नहीं होगी जिसका मूल्य, भारत सरकार द्वारा समय-समय पर विनिर्दिष्ट शर्तों के अधीन, किसी भी प्रकार पकड़ी हुई तथा चाट्टरित विदेशी मत्स्य जलयानों में भण्डार की हुई मछली और मछली उत्पादों के प्रति नमूने 500 रुपए से अधिक न हो।

पाद टिप्पण

* का०आ० 4007, तारीख 31-12-1977

[फा०सं० 6(10)/83-ई०आई० एण्ड ई०पी०]

ORDER

S.O. 937.—Whereas for the development of the Export trade of India, certain proposal for amendment to the notification of the Government of India in the Ministry of Commerce No. S.O. 4007, dated the 31st December, 1977, were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, in the Gazette of India, Part-II Section-3 Sub-section (ii), dated the 2nd July, 1983, under the order of the Government of India in the Ministry of Commerce No. S.O. 2743, dated the 2nd July, 1983. And whereas the copies of the said Gazette were made available to the public on the 19th July, 1983:

And whereas the objections and suggestions were invited till the 16th August, 1983, from all persons likely to be affected thereby;

And whereas no objections and suggestions were received from the public on the said order;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, makes the following further amendment in the notification of the Government of India in the Ministry of Commerce No. S.O. 4007, dated the 31st December, 1977.

In the said notification, for clause 2, the following clause shall be substituted, namely :—

*Footnote : S.O. 3310 dated 7-10-1970.

"2. Nothing in this order shall apply to the export by land, sea or air of samples of Fish and Fishery Products to prospective buyers, the value of which does not exceed Rs. 500 per sample of any type and Fish and Fishery products caught and stored in chartered foreign fishing vessels subject to such conditions as may be specified by the Government of India from time to time."

Foot Note.—S.O. 4007 dated 31st December, 1977.

[F. No. 6(10)/83-EI&EP]

का०आ०. 938:—नियमित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार मैसर्स इन्स्पेक्शन सर्वे एण्ड सविलेन्स (इण्डिया) प्राइवेट लिमिटेड, 26 डी. पार्क लेन कलकत्ता-700016 को भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का०आ० 1270 तारीख 25 मार्च, 1966 की अनुसूची II में विनिर्दिष्ट आकारबद्ध रसायनों का निर्यात से पूर्व निरीक्षण करने के लिए अभिकरण के रूप में इन शर्तों के अधीन रहते हुए एक वर्ष की अवधि के लिए मान्यता देती है कि आकारबद्ध रसायन के निर्यात (निरीक्षण) नियम, 1966 के नियम 4 के उप-नियम (4) के अधीन निरीक्षण प्रमाण-पत्र देने के लिए संगठन द्वारा चलायी गयी निरीक्षण पद्धति की जाँच करने के लिए निर्यात निरीक्षण परिषद के किसी भी अधिकारी को पर्याप्त सुविधाएं देगी।

[फा०सं० 5/11/83-ई० आई० एण्ड आई० पी०]

S.O. 938.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby recognises M/s. Inspection Survey & Surveillance (India) Pvt. Ltd. 26D, Park Lane, Calcutta-700016 as the agency for inspection of the Inorganic Chemical specified in Schedule II annexed to the notification of the Government of India, Ministry of Commerce No. S.O. 1270 dated the 25th March, 1966 prior to their export for a period of one year subject to the condition that the organisation shall give adequate facilities to any officer of the Export Inspection Council to examine the method of inspection followed by the organisation in granting the certificate of inspection under sub-rule (4) of rule 4 of the Export of Inorganic Chemicals (Inspection) Rules, 1966.

[F. No. 5/11/83-EI&EP]

का०आ०. 939:—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इन्स्पेक्शन सर्वे तथा सविलेन्स (इण्डिया) प्राइवेट लिमिटेड, 26 डी. पार्क लेन, कलकत्ता-700016 को इससे उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज तथा अयस्क ग्रुप-II का निर्यात से पूर्व निरीक्षण करने के लिए अभिकरण के रूप में इन शर्तों के अधीन रहते हुए एक वर्ष की अवधि के लिए मान्यता देती है कि खनिज तथा अयस्क ग्रुप-II के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के उप-नियम (4) के अधीन निरीक्षण प्रमाण-पत्र देने के लिए संगठन द्वारा चलायी गयी निरीक्षण पद्धति की जाँच करने के लिए निर्यात निरीक्षण परिषद के किसी भी अधिकारी को पर्याप्त सुविधाएं देगी।

अनुसूची

1. मैंगनीज डायाक्साइड
2. कायनार्थेट
3. मिस्रोमिताइट
4. अक्रिमात्रित शुष्क सहित जिंक अयस्क
5. डैड बर्नट तथा कैल्शियम मैंगनेसाईट सहित मैंगनेसाईट
6. बैराट्स

7. लाल आक्साइड
8. पीला मैंगनीक
9. स्टेटाईट
10. फेल्डस्पार

[फाईल सं० 5/11/83-ई० आई० एण्ड आई० पी०]

सी० बी० कुक्रेती, संयुक्त निदेशक

S.O. 939.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby recognises M/s. Inspection Survey & Surveillance (India) Pvt. Ltd., 26D, Park Lane, Calcutta-700016, as an Agency for inspection of the Mineral and Ores Group II specified in Schedule annexed hereto prior to export for a period of one year subject to the condition that the organisation shall give adequate facilities to any officer of the Export Inspection Council to examine the method of inspection followed by the organisation in granting the certificate of inspection under sub-rule (4) of rule 4 of the Export Minerals and Ores Group-II (Inspection) Rules, 1965.

SCHEDULE

1. Manganese Dioxide
2. Kavnite
3. Sillimanite
4. Zinc Ores, including Zinc concentrates
5. Magnesite, including dead-burnt and calcined magnesite
6. Barytes
7. Red Oxide
8. Yellow Ochre
9. Steatite
10. Feldspar

[F. No. 5/11/83-EI&EP]

C. B. KUKRETI, Jt. Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 9 मार्च, 1984

का० आ० 940:—यतः भारतीय आयुर्विज्ञान परिषद् अधिनियम 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खंड (क) के अनुसरण में तथा उड़ीसा सरकार के परामर्श से केन्द्रीय सरकार ने डा० एम० एम० खांडवा के स्थान पर प्रो० बी० राजगुरु, चिकित्सा शिक्षा और प्रशिक्षण निदेशक, उड़ीसा को एक मार्च, 1984 से भारतीय आयुर्विज्ञान परिषद् का सदस्य, मनोनीत किया है।

अतः अब उक्त अधिनियम की धारा-3 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा तत्कालीन स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या का० आ० 138 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिनियम में "धारा-3 की उप-धारा (1) के खंड (क) के अधीन मनोनीत" शीर्षक के अंतर्गत क्रम संख्या 1 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टि रखी जाए, अर्थात्:—

- "1. प्रो० बी० राजगुरु,
चिकित्सा शिक्षा और प्रशिक्षण निदेशक,
उड़ीसा, भुवनेश्वर"

[संख्या पी० 11013/2/84-एम० ई० (पी०)]

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 12th March, 1984

S.O. 940.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Orissa have nominated Prof. B. Rajguru, Director of Medical Education and Training, Orissa to be a member of the Medical Council of India vice Dr. M. S. Khandanga, with effect from the 1st March, 1984.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the late Ministry of Health No. S.O. 138, dated the 9th January 1960, namely :—

In the said notification, under the heading "Nominated under clause (a) of sub-section (1) of section 3" for serial number I and the entry relating thereto, the following serial number and entry shall be substituted namely :—

- "1. Professor B. Rajguru,
Director of Medical Education and
Training, Orissa, Bhubaneswar."

[No. V. 11013/2/84-M.E. (Policy)]

आदेश

नई दिल्ली, 13 मार्च, 1984

का० आ० 941.—यतः भारत सरकार के स्वास्थ्य संचालय को 15 जून, 1978 की अधिसूचना संख्या बी० 11016/14/78-एम०ई० (पी०) के द्वारा केन्द्रीय सरकार ने यह निदेश दिया है कि एम०बी० बी० एम० (पश्चिम जर्मनी के मरबर्ग विश्वविद्यालय) की चिकित्सक अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजनार्थ मान्यताप्राप्त चिकित्सा अर्हता होगी,

और यतः डा० हिल्डेगार्ड लुसि एडलहेड बोविंग जो उक्त अर्हता रखती हैं, उन्हें धर्मार्थ कार्य/के लिए फिलहाल माल्बेशन आर्मी कैथरीन बथ अस्पताल नगरकोइल, तमिलनाडु से संबद्ध किया जा रहा है।

अतः अब उक्त अधिनियम की धारा 14 की उपधारा 1(1) के परन्तुक के खंड (ग) के अवरण ने केन्द्रीय सरकार एतद्वारा विनिर्दिष्ट करती है :—

- (i) वो वर्ष की और अधिक अवधि

- (ii) वह अवधि जब तक डा० हिल्डेगार्ड लुसि एडलहेड बोविंग माल्बेशन आर्मी कैथरीन बथ अस्पताल नगरकोइल, तमिलनाडु से उक्त सम्बद्ध रहती है, जो भी कम हो, वह अवधि उक्त चिकित्सक की मेडिकल प्रैक्टिस के लिए सीमित अवधि होगी।

[संख्या बी० 11016/15/83-एम०ई० (पी०)]

पी० सी० जैन, प्रवर सचिव

ORDER

S.O. 941.—Whereas by the notification of the Government of India in the Ministry of Health No. V. 11016/14/78 M.E.(P) dated the 5th June, 1978 the Central Government has directed that the Medical qualification, "M.B.B.S. (University of Marburg West Germany, shall be recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956).

And whereas Dr. Hildegard Lusie Adelheid Booving, who possesses the said qualification is for the time-being attached to the Salvation Army Catherine Booth Hospital, Nagercoil, Tamil Nadu for the purposes of charitable work.

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies :—

- (i) a further period of two years or.

- (ii) the period during which Dr. Hildegard Lusie Adelheid Booving is attached to the said Salvation Army Catherine Booth Hospital, Nagercoil, Tamil Nadu, whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/15/83-ME(P)]
P. C. JAIN, Under Secy.

ऊर्जा मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 12 मार्च, 1984

का० आ० 942. यतः पेट्रोलियम और खनिज पार्श्वलाईन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मन्त्रालय पेट्रोलियम विभाग की अधिसूचना का आ० सं० 3694 तारीख 15-9-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न भूमि में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अतिरिक्त करने का अपना आशय घोषित कर दिया था।

और यतः राक्षसप्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न भूमि में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अधिनियम करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न भूमि में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय तेल एवं प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

उभराट से हजीरा तक पाइप लाइन बिछाने के लिये।

राज्य :—गुजरात	जिला :—सुरथ	तासुका :—बोयामी		
गांव	सर्वे नं०	हेक्टेयर	एअरई	सेन्टीयर
भीमपुर	1/4	0	14	88
	6	0	26	08
	1/1	0	39	60
	1/1	3	75	00
	65/2	0	32	33
	66	0	10	88
	70	0	36	80
	72	0	12	15
	72/पेकी	0	06	57

[सं० 12016/116/83-प्र०]

MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 12th March, 1984

S.O. 942.—Whereas by notification of the Government of India in the Ministry of Energy, Department of Petroleum S.O. 3694 dated 15-9-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM UBHARAT TO HAJIRA

State : Gujarat District : Surat Taluka : Choryasi

Village	Survey No.	Hect.	Are	Can.
Bhimpur	1/4	0	14	88
	6	0	26	08
	1/1	0	39	60
	1/1	3	75	00
	65/2	0	32	33
	66	0	10	88
	70	0	36	80
	72	0	12	15
	72/Paiki	0	06	57

[No. 12016/116/83—Prod.]

का०आ० 943.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय, पेट्रोलियम विभाग की अधिसूचना का०आ० सं० 3625 तारीख 7-9-83 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मन्त्रसमिति ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में

उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय तेल एवं प्राकृतिक गैस अयोग के सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

उभरारत से हजीरा तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	जिला : सुरत	तालुका : चोयासी			
गांव	सर्वेक्षण नं०	हेक्टेयर ग. आर. ई. सेंटीयर			
धुमरा	829/1	0	16	32	
	829/2	0	16	80	
	829/3	0	12	00	
	828	0	26	40	
	807	0	19	20	
	808	0	07	20	
	805	0	23	68	
	785/3	0	28	00	
	701/2/2	0	22	40	
	700/2	0	20	23	
	699	0	31	20	
	697	0	09	76	
	695	0	08	80	
	694	0	05	60	
	693	0	07	20	
	671	0	00	80	
	677	0	07	36	
	672	0	10	88	
	673	0	05	70	
	674	0	07	20	
	430	0	03	52	
	431/2	0	08	80	
	436	0	12	96	
	435	0	11	58	
	434	0	05	92	
	381/1	0	18	58	
	357	0	25	70	
	378/2	0	19	00	
	378/1	0	07	08	
	378/1/1/पी	0	02	24	
	378/1/16/पी	0	04	00	
	378/1/17/पी	0	04	80	
	378/1/18/पी	0	00	98	
	378/1/30/पी	0	00	08	
	378/1/31/पी	0	01	92	
	378/1/32/पी	0	02	24	
	378/1/33/पी	0	00	20	
	378/1/41/पी	0	02	59	
	378/1/42/पी	0	03	20	
	378/1/43/पी	0	02	72	
	378/1/44/पी	0	00	80	
	806/पी	0	17	60	
	437	0	00	96	

[सं० ओ-12016/115/83-प्रो०]

पी०के० राजगोपालन, उक्त अधिकारी

S.O. 943.—Whereas by notification of the Government of India in the Ministry of Energy, Department of Petroleum S.O. 3625 dated 7-9-83 under sub-section (1) of Section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline From Ubharat To Hajira

State : Gujarat District : Surat Taluka : Choriyasi

Village	Survey No.	Hect.	Area	Cent
Dumas	829/1	0	16	32
	829/2	0	16	80
	829/3	0	22	00
	928	0	26	40
	807	0	19	20
	808	0	07	20
	805	0	23	68
	785/3	0	28	00
	71/2/2	0	22	40
	700/2	0	20	23
	699	0	31	20
	697	0	09	76
	695	0	08	80
	694	0	05	60
	693	0	07	20
	671	0	00	80
	677	0	07	36
	672	0	10	88
	673	0	05	70
	674	0	07	20
	430	0	03	52
	431/2	0	08	80
	436	0	12	96
	435	0	11	58
	434	0	05	92
	381/1	0	18	58
	357	0	25	70
	378/2	0	19	00
	378/1	0	07	40
	378/1/1/P	0	02	20
	378/1/16/P	0	04	50
	378/1/17/P	0	04	80
	378/1/18/P	0	00	98
	378/1/30/P	0	00	08
	378/1/31/P	0	01	92
	378/1/32/P	0	02	24
	378/1/33/P	0	00	20
	378/1/41/P	0	02	59

1	2	3	4	5
	378/1/42/P	0	03	20
	378/1/43/P	0	02	72
	378/1/44/P	0	00	80
	806/P	0	17	60
	437	0	00	96

[No. C—12016/115/83—Prod.]

P. K. Rajagopalan, District Officer

(कोयला विभाग)

नई दिल्ली, 8 मार्च, 1983

का० ग्रा० 944.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं० का ग्रा० 1542 द्वारा उन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में भूमि का अर्जन करने के अपने आशय की सूचना दी थी;

और सश्रय प्राधिकारी ने, उक्त अधिनियम की धारा 8 के अनुसरण में अपनी रिपोर्ट केन्द्रीय सरकार को दे दी है।

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने और बिहार सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि

(क) इससे संलग्न अनुसूची "क" में विनिर्दिष्ट 2865.75 एकड़ (लगभग) या 1159.71 हेक्टर (लगभग) माप की भूमि का, और

(ख) इससे संलग्न अनुसूची "ख" में विनिर्दिष्ट 109.25 एकड़ (लगभग) या 44.22 हेक्टर (लगभग) माप की भूमि में खनिजों के खनन, खदान, और करने, उनकी खुदाई करने और उन्हें तलाश करने, उन्हें प्राप्त करने उन पर कार्य करने और उन्हें ले जाने के अधीकारों का, अर्जन किया जाता चाहिए।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रवृत्त शक्तियाँ का प्रयोग करते हुए यह घोषणा करती है कि उक्त अनुसूची में विनिर्दिष्ट 2865.75 एकड़ (लगभग) या 1159.71 हेक्टर (लगभग) माप की भूमि तथा उक्त अनुसूची "ख" में विनिर्दिष्ट 109.25 एकड़ (लगभग) या 44.22 हेक्टर (लगभग) माप की भूमि में खनिजों के खनन, खदान, और करने, उनकी खुदाई करने और उन्हें तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधीकारों का, अर्जन किया जाता है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण उपायुक्त गिरिडीह (बिहार) के कार्यालय में या कोयला नियंत्रक 1-काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या सेन्ट्रल कोलफील्ड्स लिमिटेड (राजस्व अनुभाग दरभंगा हाउस रांची (बिहार) के कार्यालय में किया जा सकता है।

अनुसूची "क"

कारो ब्लॉक विस्तार

पूर्वी घोकारो कोयला क्षेत्र

जिला गिरिडीह (बिहार)

रेखांक सं० राजस्व /45 /82 तारीख 5-7-82
(जिसमें अर्जन की जाने वाली भूमि वर्णित है)

उप टबल-1

क सं०	ग्राम	धाना	धाना सं०	जिला	क्षेत्र	टिप्पणियाँ
1.	बेरमो	नवाडीह	18	गिरिडीह	391.10	भाग
						(बेरमो)

1	2	3	4	5	6	7
2.	बैदकारी	नवाडीह (बेरमो)	20	गिरिडीह	806.60	भाग
3.	बरकी कुरी	नवाडीह (बेरमो)	21	गिरिडीह	215.00	भाग
4.	छोटकी कुरी	नवाडीह (बेरमो)	22	गिरिडीह	207.00	भाग
5.	एमलो	नवाडीह (बेरमो)	64	गिरिडीह	66.85	भाग
6.	कान्हे	नवाडीह (बेरमो)	65	गिरिडीह	1067.20	भाग
7.	करगली	नवाडीह (बेरमो)	66	गिरिडीह	112.00	भाग

कुल क्षेत्र 2865.75 एकड़ (लगभग)

या

1159.71 हेक्टर (लगभग)

बरमो ग्रामा में अजित किये जाने वाले प्लाट संख्याक : 1(भाग), 16 (भाग), 23(भाग), 24,25,26,27(भाग), 36(भाग), 63 (भाग), 64(भाग), 65 से 69,70 (भाग), 71, 72, 73(भाग), 75 (भाग), 77(भाग), 83(भाग), 83(भाग), 85 से 104, 105 (भाग), 106 (भाग), 107 (भाग), 108 (भाग), 110 (भाग), 111(भाग), 112 (भाग), 113 से 127, 128 (भाग), 129,130, 131(भाग), 132(भाग), 133, 134, 135 (भाग), 136 (भाग), 1081 (भाग), 1082, 1083 (भाग), 1102 (भाग), 1374 से 1385, 1390 (भाग) और 1391,

बैदकारी ग्राम में अजित किये जाने वाले प्लाट संख्याक : 1 से 8, 9 (भाग), 10, 11,12,13 (भाग), 14 से 34, 35 (भाग), 36, 37, 38(भाग), 41 (भाग), 42 (भाग), 56 (भाग), 57 (भाग), 58 से 63, 64 (भाग), 65 से 72, 124 (भाग), 125, 126 (भाग), 257 (भाग), 258 (भाग), 264 (भाग), 265 (भाग), 266, 267 (भाग), 268 से 280, 281 (भाग), 282, 283, 284 (भाग), 285 (भाग), 286 (भाग), 287 से 293, 294 (भाग), 295 (भाग), 296 (भाग), 297 (भाग), 298 (भाग), 299 300, 301 (भाग), 302 से 324, 325 (भाग), 328 (भाग), 332 (भाग), 334 (भाग), 335, 336 (भाग), 337 336 (भाग), 368 (भाग), 1270, 1271, 1272, 1273, 1274, 1275 (भाग), और 1280

बरकी कुरी ग्राम में अजित किये जाने वाले प्लाट संख्याक : 611 (भाग), 612, 613 (भाग), 649 (भाग), और 711 (भाग),

छोटकी कुरी ग्रामा में अजित किये जाने वाले प्लाट संख्याक : 103 (भाग) 428 (भाग), और 437 (भाग),

एमलो ग्राम में अजित किये जाने वाले प्लाट संख्याक : 33 (भाग), 34 (भाग), 35,36,37,38(भाग) 39(भाग) 40, 41, (भाग), 182 (भाग), 187 (भाग) 218 (भाग) 219 (भाग), 220, 221 (भाग), 222 (भाग), 223, 224, 225 226 (भाग), 227 (भाग) 228 से 232, 233 (भाग), 234 से 259, 260(भाग) 261, 262(भाग) 263 (भाग), 265 (भाग), 266 (भाग), 276 (भाग) 277 से 281, 282 (भाग), 283, 284, 285, 287, (भाग), 289 (भाग), 290 (भाग), 303 (भाग), 314 (भाग) 315, 316 (भाग), 317 (भाग) और 372 (भाग),

कारो ग्राम में अजित किये जाने वाले प्लाट संख्याक : 1 (भाग), 2 (भाग), 3 से 78, 79 (भाग) 84 (भाग) 124 (भाग) 131 (भाग), 132 से 142, 143 (भाग), 144 से 148, 149 (भाग), 150 से 175, 177 से 185, 186 (भाग) 187, 188 (भाग), 189 से 194, 195 (भाग) 196, 197, 198 (भाग) 199

(भाग), 200 (भाग), 218 (भाग), 221 (भाग), 223 से 238, 239 (भाग), 240, 241, 243 (भाग), 244 (भाग), 245, 246, 247 (भाग) 248, 249, 250, 251 (भाग) 252 से 258, 259 (भाग), 260 से 376, 377 (भाग), 378 से 383, 385 (भाग), 386 (भाग), 399 400, 401, 402, 403 और 408

करगली ग्राम में अजित किये जाने वाले प्लाट संख्याक : 1 (भाग), और 2 (भाग),

- गोमा वर्णन:

क-ख रेखा छोटकी कुरी ग्राम प्लाट संख्याक 103 से होती हुई बेरमो ग्राम में प्लाट संख्याक 1,1390 और 16 से होकर जाती है और बिन्दु "ख" पर मिलती है।

ख-ग रेखा बेरमो ग्राम में प्लाट संख्याक 16 और 23 प्लाट संख्याक 23 की पूर्वी सीमा से होकर जाती है (जो कोयला अधिनियम की धारा 9(1) के अधीन अजित कारो ब्लॉक उप ब्लॉक 'ख' के साथ सम्मिलित सीमा बनाती है) और बिन्दु 'ग' पर मिलती है ?

ग-घ रेखा बेरमो ग्राम 5 प्लाट संख्याक 27,111,112, 110 105,106,107,108,27, 36, 64, 6,70 से होकर जाती है और बिन्दु "घ" पर मिलती है।

घ-ङ रेखा बेरमो ग्राम में प्लाट संख्याक 70,74,73,77,84, 83,163,1081,1083 से होकर जाती है (जो उक्त अधिनियम की धारा 9 (1) के अधीन अजित बोकारो कोयला खान विस्तार के साथ सम्मिलित सीमा बनाती है) और बिन्दु बिन्दु "ङ" पर मिलती है।

ङ-च-छ-ज-झ रेखा बेरमो ग्राम में प्लाट संख्याक 10983, 135,136, 132,136,131,136 और 1102 से होकर जाती है और बिन्दु "झ" पर मिलती है।

झ रेखा बेरमो ग्रामा 5 प्लाट संख्याक 1102 और 128 से होती हुई बेरमो ग्रामा में प्लाट संख्याक 13,325, 328, 332 334,336,337,366,368,298,297,296, 301,295,294,286,285,284,281,257,258,267,265 264, 1275, और 126 से होकर जाती है जो बोकारो कोयला खान सीमा के साथ सम्मिलित सीमा बनाती है और बिन्दु 'स' पर मिलती है।

ट-ठ रेखाएं बैदकारी ग्राम में प्लाट संख्याक 126,124,1275 और 64 से होती हुई करगली ग्रामा में प्लाट संख्याक 1,2 और 1 से होकर जाती है (जो करगली कोयला खान सीमा के साथ सम्मिलित सीमा बनाती है) और बिन्दु "ठ" पर मिलती है।

ठ-ड-ड-ग रेखाएं करगली ग्रामा में प्लाट संख्याक 1 से होती हुई, कारो ग्राम में प्लाट संख्याक 200, 199, 218, 199, 198,195, 186 से होती हुई प्लाट संख्याक 186, और 195 की भागत: पूर्वी सीमा के साथ-साथ फिर प्लाट संख्याक 195, 221, 199 से होती हुई प्लाट संख्याक 216, 220, 222, 210, 209, 208 की पूर्वी सीमा और प्लाट संख्याक 208 और 207 की दक्षिणी सीमा से होती हुई प्लाट संख्याक 200 से होकर जाती है (जो उप ब्लॉक ठ-ड-ड के साथ सम्मिलित सीमा बनाती है) और बिन्दु "ण" पर मिलती है।

ण-त-थ रेखाएं कारो ग्राम के प्लाट संख्याक 200, 239, 200, 195, 243,244,243,247,259,247,386,251,377, 386,384,386, और 385 से होती हुई-एमलो ग्राम में प्लाट संख्याक 372,233,290, 233, 280, 287,

282, 276, 266, 265, 262, 265, 260, 303 314, 317, 316, 222, 221, 218 और 219 से होकर जाती है (जो करगली कोयला खान सीमा के साथ सम्मिलित सीमा बनाती है) और बिन्दु "घ" पर मिलती है।

घ-व रेखा एमलो ग्राम में प्लॉट संख्यांक 219, 187, 226, 182, 227, 226, 39, 41, 39, 38, 39, 34 और 33 से होती हुई कारो और एमलो ग्रामों की भागतः सम्मिलित सीमा के साथ साथ जाती है और बिन्दु "ड" पर मिलती है।

व-क रेखा कारो ग्राम में प्लॉट संख्यांक 124, 84, 131, 84, 143, 79, 2 और 1 से होती हुई बरको कुरो ग्राम में प्लॉट संख्यांक 711, 649, 613 और 611 से होती हुई छोटकी कुरी ग्राम में प्लॉट संख्यांक 437, 428 और 103 से होकर जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

घ-त-प रेखाएं (उप-ब्लॉक ड-व) प्लॉट संख्यांक 188 और 149 से होती हुई और प्लॉट संख्यांक 176, 149 और 188 से होकर जाती है और बिन्दु "घ" पर मिलती है।

प-घ रेखा प्लॉट संख्यांक 176 और 188 की सीमा से होकर जाती है और आरम्भिक बिन्दु "ख" पर मिलती है।

1-4-3 रेखाएं बेदकारो ग्राम में प्लॉट संख्यांक 9, 38, 41, 42 और 9 और प्लॉट संख्यांक 36 की पूर्वी सीमा में होती हुई प्लॉट संख्यांक 35, 9, 64 से होती हुई करगली ग्राम में प्लॉट संख्यांक 1 से होकर जाती है जो कारो ब्लॉक उप-ब्लॉक ग के साथ जिनके सभी अधिकारी उक्त अधिनियम की धारा 9 (1) के अधीन अर्जित कर लिए गये हैं के साथ सम्मिलित सीमा बनाती है और बिन्दु "3" पर मिलती है।

3-2-1 रेखाएं करगली ग्राम में प्लॉट संख्यांक 1 से होती हुई प्लॉट संख्यांक 64, 57, 56, और 9 से होकर जाती है और आरम्भिक बिन्दु "1" पर मिलती है (जो कारो ब्लॉक उप-ब्लॉक ग के साथ, जिनके सभी अधिकारी उक्त अधिनियम की धारा 9 (1) के अधीन अर्जित कर लिये गये हैं (सम्मिलित सीमा बनाती है)।

अनुसूची "ख"

कारो ब्लॉक विस्तार

रेखाचित्र संख्या राजस्व 45/82

तारीख 5-7-83

(जिसमें वे भूमि वसित की गई है जहां खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और उन्हें तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन किया जाता है)।

खनन अधिकार

उप-ब्लॉक-2

क्र सं० ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियां
1. बरमो	नवाडीह (बरमो)	18	गिरिडीह	51.75 भाग	
कुल क्षेत्र : 51.75 एकड़ (लगभग) 20.94 हेक्टर (लगभग)					

बरमो ग्राम में अर्जित किये जाने वाले प्लॉट संख्यांक : 23 (भाग), 27 (भाग), 28 से 33, 36 (भाग), 37, 38, 39, 40 (भाग), 41, 42, 43 (भाग), 44 (भाग), 63 (भाग), 64 (भाग), 105 (भाग), 106 (भाग), 107 (भाग), 108 (भाग), 109, 110 (भाग), 111 (भाग), और 112 (भाग),

सीमा वर्णन:

ग-ध-घ रेखाएं बरमो ग्राम में प्लॉट संख्यांक 23, 36, 40 से होकर जाती है और बिन्दु "घ" पर मिलती है (जो कारो ब्लॉक, उप-ब्लॉक ख के साथ, जिनमें कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9 (1) के अधीन अर्जित किया गया है सम्मिलित सीमा बनाती है)

घ-घ रेखा बरमो ग्राम में प्लॉट संख्यांक 36, 43, 44, 43, 36 और 63 से होकर जाती है और बिन्दु "ख" पर मिलती है (जो बोकारो कोयला खान विस्तार के साथ जिसे कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9 (1) के अधीन अर्जित किया गया है सम्मिलित सीमा बनाती है ;

घ-ग रेखा बरमो ग्राम में प्लॉट संख्यांक 63, 64, 36, 27, 108, 27, 107, 106, 105, 110, 112, 111 और 27 से होकर जाती है और आरम्भिक बिन्दु "अ" पर मिलती है।

उप-ब्लॉक-3

खनन अधिकार

क्र सं० ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियां
1. बरमो	नवाडीह (बरमो)	18	गिरिडीह	20.55 भाग	
कुल क्षेत्र 20.55 एकड़ (लगभग) या 8.32 हेक्टर (लगभग)					

बरमो ग्राम में अर्जित किए जाने वाले प्लॉट संख्यांक : 131 (भाग), 132 (भाग), 135 (भाग), 136 (भाग), 1083 (भाग), 1084 (भाग), 1096 (भाग), 1101 (भाग), और 1102 (भाग),

सीमा वर्णन

छ-द-ड रेखाएं बरमो ग्राम में प्लॉट संख्यांक 136, 132, 136, 135, 1083 से होकर जाती है और बिन्दु "ड०" पर मिलती है।

ड-फ रेखा बरमो ग्राम में प्लॉट संख्यांक 1083 और 1084 से होकर जाती है (जो बोकारो कोयला खान विस्तार के साथ जिसे कोयला धारक (अर्जन और विकास) अधिनियम, 1957 की धारा 9 (1) के अधीन अर्जित किया गया है (सम्मिलित सीमा बनाती है और बिन्दु "फ" पर मिलती है)।

फ-अ रेखा बरमो ग्राम में प्लॉट संख्यांक 1084, 1102, 1101, 1096 और 1102 से होकर जाती है और बिन्दु "अ" पर मिलती है (जो बोकारो कोयला खान के साथ सम्मिलित सीमा बनाती है)।

ड-ग-छ रेखाएं बरमो ग्राम में प्लॉट संख्यांक 1102, 136, 131 और 136 से होकर जाती है और बिन्दु "छ" पर मिलती है।

उप-ब्लॉक 4

(Department of Coal)

New Delhi, the 8th March, 1984

क्रम सं०	ग्रामा	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियां
1	कारो	नवाडीह (बेर्मो)	65	गिरिडीह	30.45 भाग	
2	करगली	नवाडीह (बेर्मो)	66	गिरिडीह	0.80 भाग	
कुल क्षेत्र: 31.25 एकड़ (लगभग) .						
या 12.65 हेक्टर (लगभग)						

कारो ग्राम में अर्जित किए जाने वाले प्लॉट संख्यांक: 186 (भाग), 195 (भाग), 198 (भाग), 199 (भाग), 200 (भाग), 201 से 217, 218 (भाग) 219, 220, 221 (भाग), और 222.

करगली ग्राम में अर्जित किया जाने वाला प्लॉट संख्यांक: 1 (भाग)

सीमा वर्णन:

ठ-उ-य-ए रेखाएं करगली ग्राम में प्लॉट संख्यांक 1 से होती हुई, कारो ग्राम में प्लॉट संख्यांक 200, 199, 218, 199, 198, 195, 186 से होती हुई।

प्लॉट संख्यांक 186 और 195 की भाग: पूर्व सीमा के साथ साथ जाती है और फिर प्लॉट संख्यांक 195, 221, 199, से होती हुई प्लॉट संख्यांक 218, 220, 222, 210, 209, 208 की पूर्वी सीमा के प्लॉट संख्यांक 208, 207 की दक्षिणी सीमा से होती हुई प्लॉट संख्यांक 200 से होकर जाती है और (जो उप-ब्लॉक-1, सभी अधिकार के साथ सम्मिलित सीमा बनाती है) और बिन्दु "ण" पर मिलती है।

ण-उ रेखा कारो ग्राम में प्लॉट संख्यांक 200 से होती हुई करगली ग्राम में प्लॉट संख्यांक 1 से होकर जाती है और आरम्भिक बिन्दु "ठ" पर मिलती है।

उप-ब्लॉक-5

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र	टिप्पणियां
1	कारो	नवाडीह (बेर्मो)	65	गिरिडीह	5.70	भाग
कुल क्षेत्र: 5.70 एकड़ (लगभग)						
या 2.31 हेक्टर (लगभग)						

कारो ग्राम में अर्जित किए जाने वाले प्लॉट संख्यांक: 149 (भाग), 176 और 188 (भाग),

सीमा वर्णन:

ख-न-य-ए रेखाएं कारो ग्राम में प्लॉट संख्यांक 188 और 149 से होती हुई और प्लॉट संख्यांक 188, 179, 178, 177, 78, 147, 148, 153, 154, 170, 171, 172, 173, 174, 175 और 192 की सीमा के साथ साथ जाती है (जो उप-ब्लॉक-1) (सभी अधिकार) के साथ सम्मिलित सीमा बनाती है और आरम्भिक बिन्दु "घ" पर मिलती है।

[सं० 19 / 56 / 82 - सी० एन०]

समय सिंह, अवसर सचिव

1538 GI/83-4

S.O. 944.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O.1542, dated the 1st, April 1982, under sub-section (I) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification:

And whereas the competent authority, in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid, and after consulting the Government of Bihar, is satisfied that

(a) the lands measuring 2865.75 acres (approximately) or 1159.71 hectares (approximately) specified in Schedule 'A' appended here to, and;

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 109.25 acres (approximately) or 44.22 hectares approximately specified in Schedule 'B' appended hereto;

should be acquired

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the lands measuring 2865.75 acres (approximately) or 1159.71 hectares (approximately) specified in the said Schedule 'A' and the rights to mine, quarry, bore dig and search for, win, work and carry away minerals in the lands measuring 109.25 acres (approximately) or 44.22 hectares (approximately) specified in the said Schedule 'B' are hereby acquired;

The plan of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Giridih Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi (Bihar).

Schedule 'A' Drg. No. Rev/45/82
Karo Black Extension Dated 5-7-1982
East Bokaro Coalfield (Showing lands acquired)
Distt. Giridih (Bihar)

Sub-Block-I

Serial number	Village	Thana number	Thana number	District	Area	Remarks
1.	Bermo	Nawa-dih (Bermo)	18	Giridih	391.10	part
2.	Baidkaro	-do-	20	-do-	806.60	part
3.	Barki Kuri	-do-	21	-do-	215.00	part
4.	Chhotki Kuri	-do-	22	-do-	207.00	part
5.	Emlo	-do-	64	-do-	66.00	part
6.	Karo	-do-	65	-do-	1067.20	part
7.	Kargali	-do-	66	-do-	112.00	part

Total area :—2865.75 acres (approximately) or 1159.71 hectares (approximately)

Plot numbers acquired in village Bermo :—1 (Part), 16(part) 23 (part), 24, 25, 26, 27 (part), 36 (part), 63 (part), 64 (part) 65 to 69, 70 (part), 71, 72, 73 (part), 74 (part), 77 (part), 83 (part), 84 (part), 85 to 104, 105 (part), 106 (part), 107 (part),

108 (part), 110 (part), 111 (part), 112 (part), 113 to 127, 128 (part), 129, 130, 131 (part), 132 (part), 133, 134, 135 (part), 136 (part), 1081 (part), 1082, 1083 (part), 1102 (part), 1374 to 1385, 1390 (part) and 1391.

Plot numbers acquired in village Baidkaro :—1 to 8, 9(part), 10, 11, 12, 13(part), 14 to 34, 35(part), 36, 37, 38(part), 41(part), 42(part), 56(part), 57(part), 58 to 63, 64(part), 65 to 72, 124(part), 125, 126(part), 257(part), 258(part), 264(part), 265(part), 266, 267(part), 268 to 280, 281(part), 282, 283, 284(part), 285(part), 286 (part), 287 to 293, 294(part), 295(part), 296(part), 297(part), 298(part), 299, 300, 301(part), 302 to 324, 325(part), 328(part), 332(part), 334(part), 335, 336(part), 337(part), 366(part), 368(part), 1270, 1271, 1272, 1274, 1273, 1275(part) and 1280.

Plot numbers acquired in village Barki Kuri :—611 (part), 612, 613(part), 649(part), and 711 (part).

Plot numbers acquired in village Chhotki Kuri :—103(part), 428 (part), and 437(part).

Plot numbers acquired in village Emlo :—33(part), 34(part), 35, 36, 37, 38 (part), 39 (part), 40, 41(part), 182 (part), 187(part), 218(part), 219(part), 220, 221(part), 222(part), 223, 224, 225, 226(part), 227(part), 228 to 232, 233(part), 234 to 259, 260(part), 261, 262(part), 263(part), 265(part), 266(part), 276(part), 277 to 281, 282(part), 283, 284, 285, 287(part), 289 (part), 290(part), 303(part), 314(part), 315, 316(part), 317(part), and 372 (part).

Plot numbers acquired in village Karo :—1(part), 2 (part), 3 to 78, 79(part), 84(part), 124(part), 131(part), 132 to 142, 143(part), 144 to 148, 149(part), 150 to 175, 177 to 185, 186(part), 187, 188(part), 189 to 194, 195(part), 196, 197, 198(part), 199 (part), 200(part), 218(part), 221(part), 223 to 238, 239(part), 240, 241, 243(part), 244(part), 245, 246, 247(part), 248, 249, 250, 251 (part), 252 to 258, 259(part), 260 to 376, 377(part), 378 to 383, 384(part), 385(part), 386(part), 399, 400, 401, 402, 403 and 406.

Plot numbers acquired in village Kargali :—1(part) and 2 (part).

Boundary description :

A-B Line passes through plot number 103 in village Chhotki Kuri, through plot numbers 1, 1390 & 16 in village Bermo and meets at point 'B'.

B-C- Line passes through plot numbers 16 and 23, eastern boundary of plot number 23 in village Bermo [which forms common boundary with Karo Block Sub-Block-'B' acquired u/s 9(1) of the said Act] and meets at point 'C'.

C-D Line passes through plot numbers 27, 111, 112, 110, 105, 106, 107, 27, 108, 27, 36, 64, 63, 70 in village Bermo and meets at point 'D'.

D-E Line passes through plot nos. 70, 74, 73, 77, 84, 83, 136, 1081, 1083, in village Bermo [which forms common boundary with Bokaro Colliery Extn. acquired u/s 9 (1) of the said Act] and meets at point 'E'.

E-F-G-H-I- Lines pass through plot numbers 1083, 135, 136, 132, 136 131, 136 and 1102 in village Bermo and meets at point 'F'.

I-J Line passes through plot numbers 1102 and 1128 in village Bermo, through plot number 13, 325, 328, 332, 334, 336, 337, 366, 368, 298, 297, 296, 301, 295, 294, 286, 285, 284, 281, 257

258, 267, 265, 264, 1275 and 126 in village Baidkaro (which forms common boundary, with Bokaro Colliery boundary) and meets at point 'J'.

J-K-L Lines pass through plot numbers 126, 124, 1275 and 64 in village Baidkaro through plot numbers 1, 2 and 1 in village Kargali (which forms common boundary with Kargali Colliery boundary) and meets at point 'L'.

L-M-N-O Lines pass through plot numbers 1 in village Kargali, through plot numbers 200, 199, 218, 199, 198, 195, 186 along part, eastern boundary of plot nos. 186 and 195 then passes through plot nos. 195, 221, 199, eastern boundary of plot numbers 218, 220, 222, 210, 209, 208 and southern boundary of plot numbers 208 and 207 through plot number 200 in village Karo (forms common boundary with Sub-block-4 M.R.) and meets at point 'O'.

O-P-Q Lines pass through plot numbers 200, 239, 200, 195, 243, 244, 243, 247, 259, 247, 386, 251, 377, 386, 351, 375, 346, 384, 386, and 385 in village Karo, through plot numbers 372, 233, 290, 233, 289, 287, 282, 276, 266, 265, 262, 263, 260, 303, 31, 317, 316, 222, 221, 218 and 219 in village Emlo (which forms common boundary with Kargali Colliery boundary) and meets at point 'Q'.

Q-R Line passes through plot numbers 219, 187, 226, 182, 227, 226, 39, 41, 38, 39, 34 and 33 in village Emlo and along part common boundary of village Karo and Emlo meets at point 'R'.

R-A Line passes through plot numbers 124, 84, 131, 84, 143, 79, 2 and 1 in village Karo through plot numbers 711, 649, 613 and 611 in village Barki Kuri, through plot numbers 437, 428 and 103 in village Chhotki Kuri and meets at starting point 'A'.

S-T-U Lines pass through plot numbers 188 and 149 and by plot numbers 176, 149 and 188 (Sub-block 5 M.R.) and meets at point 'U'.

U.S Lines pass by boundary of plot numbers 176 and 188 and meets at starting point 'S'.

1-4-3 Lines pass through plot numbers 9, 38, 41, 42 and 9 and eastern boundary of plot number 36, through plot numbers 35, 9, 64, in village Baidkaro through plot numbers (forms common boundary with Karo Block Sub-Block-All Rights) acquired u/s 9(1) of the said Act in village Kargali and meets at point '3'.

3-2-1 Lines pass through plot number 1 in village Kargali, through plot numbers 64, 57, 56 and 9 and meets at starting point (1) (which forms common boundary with Karo Block Sub-Block-C All Rights) acquired u/s 9(1) of the said Act.

SCHEDULE 'B'

Mining Rights Sub-Block-2

Karo Block Extn Drg. No. Rev/45/82 Dated 5-7-82.

(Showing lands where rights to mine, quarry, bore, dig and search for win, work and carry away minerals are acquired)

Sl. Village No.	Thana	Thana number	District	Area	Re-marks
1. Bermo	Nawadih (Bermo)	18	Giridih	51.75 part	

Total area :— 51.75 acres (approximately)
or 20.94 hectares (approximately)

Plot numbers acquired in village Bermo :—23(part), 27(part), 28 to 33, 35(part), 37, 38, 39, 40(part), 41, 42, 43(part), 44(part), 63(part), 64(part), 105 (part), 106(part), 107(part), 108(part), 109, 110(part), 111(part), and 112(part).

Boundary description :—

C-D2-D1 Lines pass through plot numbers 23, 36, 40 in village Bermo and meet at point D1 [forms common boundary with Karo Block, Sub-block-B acquired u/s 9(1) of the Coal Act].

D1-D Line passes through plot nos. 36, 43, 44, 43, 36 and 63 in village Bermo and meets at point 'D' [forms common boundary with Bokaro Colliery Extn. acquired u/s 9(1) of the said Act]

D-C Line passes through plot numbers 63, 64, 36, 27, 108, 27, 107, 106, 105, 110, 112, 111 and 27 in village Bermo and meets at starting point 'C'.

Sub-Block-3 Mining Rights

Sl. Village No.	Thana	Thana number	District	Area	Re-marks
1. Bermo	Nawadih (Bermo)	18	Giridih	20.55 part	

Total area :— 20.55 acres (approximately)
or 8.32 hectares (approximately).

Plot numbers acquired in village Bermo :—131(part), 132(part), 135(part), 136(part), 1083(part), 1084(part), 1096(part), 1101(part), and 1102 (part).

Boundary description :—

G-F-E Lines pass through plot numbers 136, 132, 136, 135, 1083 in village Bermo and meets at point 'E'.

E-V Line passes through plot nos. 1083 and 1084 in village Bermo [forms common boundary with Bokaro Colliery Extn. acquired u/s 9(1) of the said Act] and meets at point 'V'.

V-I Line passes through plot numbers 1084, 1102, 1101, 1096 and 1102 in village Bermo and meets at point 'I' (forms common boundary with Bokaro Colliery).

I-H-G Lines pass through plot numbers 1102, 136, 131 and 136 in village Bermo and meets at starting point 'G'.

Sub-Block-4				Mining Right	
Sl. Village No.	Thana	Thana number	District	Area	Re-marks
1. Karo	Nawadih (Bermo)	65	Giridih	30.45 part	
2. Kargali	-do-	66	-do-	0.80 part	

Total area :— 31.25 acre (approximately)
or 12.65 hectares (approximately).

Plot numbers acquired in village Karo :—186(part), 195(part), 198 (part), 199(part), 200(part), 201 to 217, 218(part), 219, 220, 221(part) and 222.

Plot numbers acquired in village Kargali :—1(part).

Boundary description :—

L-M-N-O Lines pass through plot number 1 in village Kargali through plot numbers 200, 199, 218, 199, 198, 195, 186 along part eastern boundary of plot nos. 186 and 195, then passes through plot nos. 195, 221, 199, eastern boundary of plot number 218, 220, 222, 210, 209, 208 southern boundary of plot numbers 208, 207 through plot numbers, 200 in village Karo [from common boundary with Sub-block-1 All Rights and meets at point 'O']

G-L Line passes through plot number 200 in village Karo through plot number 1 in village Kargali and meets at starting point 'L'.

Sub-Block-5 Mining Rights

Sl. Village No.	Thana	Thana number	District	Area	Re-marks
1. Karo	Nawadih (Bermo)	65	Giridih	5.70 part	

Total Area :— 5.70 acres (approximately)
or 2.31 hectares (approximately).

Plot numbers acquired in village Karo :—149(part), 176 and 188 (part).

Boundary description :—

S-T-U-S Lines pass through plot numbers 188 and 149 and by boundary of plot nos. 188, 179, 178, 177, 78, 147, 148, 153, 154, 170, 171, 172, 173, 174, 175 and 192 in village Karo [forms common boundary with Sub-block-1 All Rights] and meets at starting point 'S'.

[No. 19/56/82-CL]

SAMAY SINGH, Under Secy.

निर्माण और आवास मंत्रालय

नई दिल्ली, 8 मार्च, 1984

कां.प्रा. 945—दिल्ली नगर कला प्रायोग अधिनियम, 1973 (1974 का 1) की धारा 5 की उप धारा (5) के साथ पठित धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारत सरकार निर्माण और आवास मंत्रालय के 16 जून, 1982 की अधिसूचना सं. कां.प्रा. 422-(ई) में एतद्वारा निम्नलिखित संशोधन करती है :—

उपर्युक्त अधिसूचना की मद 2 तथा उसमें संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थातः—

“2. श्री एन एस मैनेजीज अंशकालिक सदस्य”।

[सं. ए-11013/5/82-डी डी वी की]

चन्द्र सैन, उप सचिव

MINISTRY OF WORKS & HOUSING

New Delhi, the 8th March, 1984

S.O. 945.—In exercise of the powers conferred by section 4, read with sub-section (5) of section 5 of the Delhi Urban Art Commission Act, 1973 (1 of 1974), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Works and Housing No. S. O. 422(E) dated the 16th June, 1982.

In the said notification for item 2 and the entries relating "2. Shri L. M. Menezes—Part-time member."

"2. Shri L. M. Menezes—Part-time member".

[No. A-11013/5/82-DIVB]

CHANDAR SAIN, Dy. Secy.

(संपदा निदेशात्मक)

नई दिल्ली, 12 मार्च, 1984

का० आ० 946.—राष्ट्रपति, सरकारी निवास-स्थान आबंटन (दिल्ली में साधारण पूल) नियम, 1963 के अनुसूचक नियम 317-अ-2 के खंड (ख) के अनुसरण में, भारत सरकार के निर्माण और आवास मंत्रालय की अधिसूचना सं० 926अ तारीख 30 दिसम्बर, 1981 में निम्नलिखित संशोधन करते हैं, अर्थात्—

उक्त अधिसूचना में "मार्च, 1984 के 31 वें दिन" शब्दों और अंकों के स्थान पर मार्च, 1985 के 31 वें दिन" शब्द और अंक रखे जाएंगे।

[का० सं० 12033 (2)/S3-पॉल II]

एम० श्रीनिवासन, संयुक्त सचिव

(Directorate of Estates)

New Delhi, the 12th March, 1984

S.O. 946.—In pursuance of clause (c) of SR-317-B-2 of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, the President hereby makes the following amendments in the notification of the Government of India in the Ministry of Works and Housing No. 929(E) dated 30th December, 1981, namely :—

In the said notification, for the words and figures "31st day of March, 1984", the words and figures "31st day of March, 1985" shall be substituted.

[File No. 12033(2)/83-Pol.II]

M. SRINIVASAN, Jt. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 1 मार्च, 1984

का० आ० 947.—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (प्रमाणन) नियम, 1983 के नियम 8 के उप-नियम (1) और (2) के साथ पठित नियम 7 के उप-नियम (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित व्यक्तियों को अगले आदेश तक, फिल्म प्रमाणन बोर्ड से परामर्श करने के बाद, उक्त बोर्ड के बंगलौर महाहकार पैनल का सदस्य नियुक्त करता है:—

1. श्रीमति सीला राव
2. श्रीमति ललिता अय्यकर
3. कुमारी भारती गोडा

4. श्रीमति हेमलता महिषि
5. श्रीमति ऊषा दातार
6. श्रीमति कमला पद्मानाभन
7. डा. एन. के. रंगनाथ
8. रेव. बेन्जामिन दोरैराज
9. श्री के. एस. निमार अहमद
10. श्री एम. बी. मिह
11. श्री एल. जी. शिवकुमार
12. श्री उमेश रुद्र

[फाइल संख्या 811/5/82-एफ (सी)]

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 1st March, 1984

S.O. 947.—In exercise of the powers conferred by section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 7, read with sub-rules (1) and (2) of the Cinematograph (Certification) Rules, 1983, the Central Government hereby appoints the following persons after consultation with the Board of Film Certification, as Members of the Advisory Panel of the said Board at Bangalore with immediate effect until further orders :—

1. Smt. Leela Rao
2. Smt. Lalita Ubhayanker
3. Ms. Bharathi Gowda
4. Smt. Hemlatha Mahishi
5. Smt. Usha Datar
6. Smt. Kamala Padmanabhan
7. Dr. H.K. Renganath
8. Rev. Benjamin Dorairaj
9. Shri K.S. Nisar Ahmed
10. Shri M.B. Singh
11. Shri L.G. Shivkumar
12. Shri Umesh Rudra

[File No. 811/5/82-F(C)]

नई दिल्ली, 6 मार्च, 1984

का० आ० 948.—चलचित्र अधिनियम, 1952 की धारा 5(1) और चलचित्र (प्रमाणन) नियम, 1983 के नियम 8 के उप-नियम (1) और (2) के साथ पठित नियम 7 के उप-नियम (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा यह निर्देश देती है कि निम्नलिखित व्यक्ति 19-3-84 से केन्द्रीय फिल्म प्रमाणन बोर्ड के महाहकार पैनल के सदस्य नहीं रहेंगे:—

1. श्री एम० आलचन्दर
2. श्रीमती सीता विश्वनाथन
3. कु० मैत्रया रामदुरै
4. श्री एम० मोहम्मद मुस्तफा
5. श्री के० पद्मानाभन
6. श्रीमती पद्मा पार्थसारथी
7. श्री आर० पार्थसारथी
8. श्री श्रीधर एम० राजन
9. श्री जे० त्यागराजन (अर्थात् मिथ्यान)
10. श्रीमती प्रेमा पुरुषोत्तम
11. डा० उषा जयन्ताथ
12. श्री जी० यप्पा राव

13. श्री के० गोपालन
14. श्री जयदेव बाबू
15. श्री कम्मीनेनी कृष्णमूर्ति
16. श्री नन्द गोपाल
17. श्रीमती के० रामलक्ष्मी
18. श्री एम० सत्यनारायण
19. श्रीमती शमशिया हबीबुल्लाह बादशाह
20. श्री बी० डी० राज
21. श्रीमती बसन्त रामकृष्ण
22. श्रीमती पुष्पावता प्रसाद
23. डा० कृष्ण भट्ट खैतवाजे
24. श्रीमती एन० एम० ललितम्मा (ऊषा अरमु)
25. श्री सी० जी० एन० स्वामी
26. श्रीमती अम्मू मैथ्यू
27. श्रीमती भायये राजमणिकम
28. डा० पी० के० कृष्णन
29. श्री के० जी० मेनन
30. डा० के० के० पवित्रन
31. डा० के० के० राज 1
32. श्रीमती मरुस्वती देवी प्रताप
33. श्री एम० मदानन्द मेनन
34. श्रीमती आषा जार्ज
35. श्रीमती निर्मल मेनन
36. डा० जे० अग्रवाल
37. श्रीमती इन्दिरा एम० मेहता
38. श्रीमती सीरा चारी
39. श्रीमती निर्मला गोकर्ण
40. श्रीमती सीता बद्दीनाथ
41. श्रीमती स्नेहलता दातार

17. Smt. K. Ramalakshmi
18. Shri M. Satyanarayana
19. Smt. Shamisia Habibullah Badshah
20. Shri B. D. Rao
21. Smt. Vasantha Ramakrishna
22. Smt. Pushpalata Prasad
23. Dr. Krishna Bhatt Khaintaje
24. Smt. N. S. Lalithamma (Usha Arasu)
25. Shri C. G. L. Swamy
26. Smt. Ammu Mathew
27. Smt. Bhyme Rajamanickam
28. Dr. P. K. Krishnan
29. Shri K. G. Menon
30. Dr. K. K. Pavithran
31. Dr. K. K. Rajah
32. Smt. Saraswati Devi Pratap
33. Shri M. Sudanand Menon
34. Smt. Asha George
35. Smt. Nirmala Menon
36. Dr. J. Agarwal
37. Smt. Indira S. Mehta
38. Smt. Meera Chari
39. Smt. Nirmala Gokaran
40. Smt. Sita Badrinath
41. Smt. Snehlata Datar

[File No. 811/1/83/F.(C)]

[फाईल संख्या 811/1/83-एफ० (सी)]

New Delhi, the 6th March, 1984

S.O. 948.—In exercise of the powers conferred by section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 7 read with sub-rules (1) and (2) of rule 8 of the Cinematograph (Certification) Rules 1983, the Central Government hereby directs that the following persons will cease to be members of the Madras Advisory Panel of the Board of Film Certification with effect from 19-3-84 :—

1. Shri S. Balachander
2. Smt. Gita Viswanathan
3. Kumari Maitreyi Ramadorai
4. Shri M. Mohd. Mustafa
5. Shri K. Padmanabhan
6. Smt. Padma Parthasarathy
7. Shri R. Parthasarathy
8. Shri Sreedhar S. Rajan
9. Shri J. Theagarajan (Ashoka Mithran)
10. Smt. Prema Paranthaman
11. Dr. Usha Jagannathan
12. Shri G. Appa Rao
13. Shri K. Gopalan
14. Shri Jayadev Babu
15. Shri Kommineni Krishnamurthy
16. Shri Nanda Gopal

का० आ० 948—चलचित्र अधिनियम, 1952 की धारा 5 (1) और चलचित्र (प्रमाणन) नियम, 1983 के नियम 8 के उप नियम (1) और (2) के साथ पठित नियम 7 के उपनियम (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार फिल्म प्रमाणन बोर्ड के साथ परामर्श करने के बाद एतद्वारा निम्नलिखित और व्यक्तियों को तत्काल से अगले आदेश तक, उक्त बोर्ड के बम्बई सलाहकार पैनल का सदस्य नियुक्त करती है :—

1. डा० (श्रीमती) निर्मला सरदेसाई
2. प्रो० मिलेन्द्र मारणे
3. प्रो० (श्रीमती) कोटावाला
4. श्रीमती अंजलि मोतटेयर
5. श्रीमती ऊषा ताम्बे
6. डा० (कुमारी) सुधा गोगटे
7. श्री जेड एम० एम० जैदी
8. डा० (श्रीमती) सुमा शिटनिस
9. प्रो० जगजीत सिंह
10. श्रीमती सुनीता प्रसाद
11. श्रीमती मिनाल पटेल
12. श्री एस० आर० कस्तूरी
13. श्रीमती मरला राम वर्मा
14. श्री अच्युत वाजे
15. श्री आदिल ज़ुम्नवाला
16. श्री सलीम पीरादीन
17. श्री एम० डी० पंवेल्कर
18. प्रो० वसंत देव
19. श्रीमती पीलू पचवानावाला
20. डा० (श्रीमती) प्रभा अत्रे
21. श्री बसन्त एस० सरवटे
22. श्री पी० एम० नरकर
23. डा० अरविन्द मेहता
24. श्रीमती शैला जगदीश पारीख

25. डा० वी० राबर्ट युध
26. डा० वी० एम० वेकटरामन
27. श्रीमती प्रिया अश्वकर
28. डा० शिवानन्द करकन
29. श्री सुहाम हुबलिकर
30. डा० (श्रीमती) निर्मला बशी
31. श्री डॉ० वाई० कृष्णकर्णी
32. श्री गोविन्द तलवालकर
33. श्री पराग आर अमलाडी
34. प्रो० (श्रीमती) मणि कनेरकर
35. श्री देवाशिष मुखर्जी
36. श्री अभय पेठे
37. श्री फ्रैंक सिमीज
38. श्रीमती रेखा खन्ना मेहता।

[फाईल सं० 811/2/83-एफ(सी)]

क० एस० वेकटरामन, अवर सचिव

34. Prof. (Ms.) Manj Kanerkar
35. Shri Debashis Mukherjee
36. Shri Abhay Pethe
37. Shri Frank Simoes
38. Ms. Rekha Khanna Mehta

[File No. 811/2/83-F(C)]

K. S. VENKATARAMAN, Under Secy.

संचार मंत्रालय

नई दिल्ली, 6 मार्च, 1984

का० आ० 950.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय योजनाओं के लिए प्रयोग) नियम 1976 के नियम 10(4) के अनुसरण में विदेश संचार सेवा (मुख्यालय) बम्बई को जिसके 80 प्रतिशत : कर्मचारीवृन्द ने हिन्दी का कार्यवाहक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

[संख्या ई० 12012/2/84-हिन्दी]

जे० क० छाबड़ा, उप सचिव

MINISTRY OF COMMUNICATIONS

New Delhi, the 6th March, 1984

S.O. 950.—The Central Government in pursuance of sub-rule 4 of Rule 10 of Official Language (Use for official purpose of the Union) Rules, 1976, hereby notify the office of Director General, Overseas Communication Services (Hqs.), Bombay, the 80 per cent staff whereof have acquired working knowledge of Hindi.

[No. E-12012/2/84-Hindi]

J. K. CHHABRA, Dy. Secy.

(डाक तार बोर्ड)

नई दिल्ली, 8 मार्च, 1984

का० आ० 951.—स्थायी आदेश संख्या 627 दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने सेबेली टेलीफोन केन्द्र में दिनांक 1-4-1984 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-4/84-पी एच बी]

P&T Board)

New Delhi, the 8th March, 1984

S.O. 951.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 1-4-1984 as the date on which the Measured Rate System will be introduced in Neyveli Telephone Exchange Tamil Nadu Circle.

[No. 5-4/84-PHB]

का० आ० 952.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने तीरुवायार टेलीफोन केन्द्र में दिनांक 1-4-1984 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-4/84-पी एच बी]

S.O. 952.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 1-4-1984 as the date on which the Measured Rate System will be introduced in Tiruvaiyaru Telephone Exchange Tamil Nadu Circle.

[No. 5-4/84-PHB]

1. Dr. (Smt.) Nirmala Sardesai
2. Prof. Milendra Malshe
3. Prof. (Smt.) Kothawala
4. Smt. Anjali Monteiro
5. Smt. Usha Tembe
6. Dr. (Kumari) Sudha Gogate
7. Shri S. M. Zaidi
8. Dr. (Smt.) Suma Chitnis
9. Prof. Jagjit Singh
10. Smt. Suneela Pradhan
11. Smt. Minal Patel
12. Shri S. R. Kasturi
13. Smt. Sarala Rama Varma
14. Shri Achyut Vaze
15. Shri Adil Jussawalla
16. Shri Saleem Peeradina
17. Shri S. D. Ranwelkar
18. Prof. Vasant Deo
19. Smt. Pilloo Pochkhanawala
20. Dr. (Smt.) Prabha Atre
21. Shri Vasant S. Sarawate
22. Shri P. S. Nerurkar
23. Dr. Arvind Mehta
24. Smt. Shaila Jagdish Parikh
25. Dr. Robert Grubb
26. Dr. V. S. Venkataradaw
27. Ms. Priya Adarkar
28. Dr. Shivanand Karkal
29. Shri Sohas Hublikar
30. Dr. (Ms.) Nirmala Vashi
31. Shri D. Y. Kulkarni
32. Shri Govind Talwalkar
33. Shri Parag R. Amladi

का० घा० 953:—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये भारतीय तार नियम, 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने छत्रपति टेलीफोन केन्द्र में दिनांक 1-4-1984 से प्रमाणित धर प्रणाली लागू करने का निर्णय किया है।

[सं० 5-4/84-पी एच बी]

त्रिलोकी नाथ, सहायक महानिदेशक (पी० एच० बी०)

S.O. 953.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specified 1-4-1984 as the date on which the Measured Rate System will be introduced in Chatrapatti Telephone Exchange Tamil Nadu Circle.

[No. 5-4/84-PHB]

TRILOKI NATH, Asstt. Director General (PHB)

श्रम और पुरुषार्थ मंत्रालय (श्रम विभाग)

नई दिल्ली, 5 मार्च 1984

का० आ० 954:—मैसर्स मेटल कॅप्स, 19/4, पीयर-कल्याणी, भागरा -282004 (उत्तर प्रदेश/3390) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिधाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए वे फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सहायक बीमा स्कीम 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुजय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपावद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, उत्तर प्रदेश को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रभागों का प्रत्येक माम की समाप्ति के 15 दिन के भीतर संवाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संवाय, लेखाओं का अन्तर्गण, निरीक्षण प्रभागी संवाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति और जब कभी उनमें संशोधन किया जाय तब उस संशोधन की प्रति तथा कर्मचारियों को बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि की या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम सुरक्षित दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सौंप करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनु-भेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्देश्य रकम उस रकम से कम है जो कर्मचारी को उस दशा में संदेय होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशिनी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, उत्तर प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन ने कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का सुनिश्चित अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं; तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संवाय में किए गए किसी व्यतिक्रम की दशा में, उन मृतमदस्यों के नामनिर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होने, बीमा फायदों के संवाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नामनिर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के मात दित के भीतर सुनिश्चित करेगा।

[संख्या एम०-35014/11/84-पी० एफ० 2]

MINISTRY OF LABOUR AND REHABILITATION (Department of Labour)

New Delhi, the 5th March, 1984

S.O. 954.—Whereas Messrs Metal Caps, 19/4, Peer-Kalyani, Agra-232004 (UP/3390) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life

Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Uttar Pradesh, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme including maintenance of accounts submission of returns payment of insurance premia transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Uttar Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment

shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S. 35014(11)/84-PF.II]

का० आ० १५५—मैसर्स स्ट्रॉ प्राइवेट लिमिटेड, छोला रोड, भोपाल-462029 (जिसे इसमें इसमें पणवत् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, किसी पृथक अभिदाय या प्रीमियम का गन्वाय किए बिना ही, भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप महसूज बीमा स्कीम 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभूते हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इससे उपबन्ध अनुसूची में विनिर्दिष्ट बातों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भाषा निधि आयुक्त, मध्य प्रदेश को ऐसी विवरणियां भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी मृतिधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक भाग की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करें।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अन्तर्गण, निरीक्षण प्रसारों संदाय आदि भी है, होने वाले सभी व्ययों का बहूत नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और, जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पत्र पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत्न करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप में वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुभूते हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्देश रकम उस रकम से

कम है जो कर्मचारी को उस दशा में भेद नहीं होता, जब वह उस स्कीम के अधीन होता तो, नियोजक कर्मचारी के वित्तीय वारिस/नामानिर्देशित या प्रतिफल के रूप में दोनों स्कीमों के अन्तर्गत बराबर रकम का सदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, मध्य प्रदेश के पूर्ण अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन में कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का सुविधापूर्ण अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय जीवन बीमा निगम को उस सामूहिक बीमा स्कीम के, जिसे स्थापन करने अपना स्वीकृत प्रयत्न नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियम करें, प्रीमियम का सदाय करने में असफल रहता है, और पॉलिसी को रद्द हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के सदाय में किए गए किसी व्यवस्थित की दशा में, उन मृतकत्वों के नामनिर्देशितियों या वित्तीय वारिसों को जो यदि यह छूट न की गई होती तो उस स्कीम के अन्तर्गत होते, बीमा फायदों के सदाय का उत्तरदायित्व नियोजक पर होगा।

12. उस स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नामनिर्देशितियों/वित्तीय वारिसों को बीमाकृत रकम का सदाय तत्पश्चात् से और प्रत्येक वर्ष में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर मुनिश्चित करेगा।

[संख्या एम-35014/15/84-पीएफ-2]

S.O. 955.—Whereas Messrs Straw Products Limited, Chola Road, Bhopal-462029 (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme),

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Madhya Pradesh, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer

of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, along with a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Madhya Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S. 35014(15)/84-PF.III]

कां. घां. 956—मैसर्स स्ट्रॉ प्रोडक्ट्स लिमिटेड, चोला रोड, भोपाल-462029 (जिसे हमें हमके पञ्चात् उस स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे हमें हमके पञ्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उस स्थापन के कर्मचारी, किसी पथक अभिदाय या प्रीमियम का सन्धाय किए बिना ही भारतीय जीवन बीमा निगम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदे उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी विशेष सहवृद्ध बीमा स्कीम 1976 (जिसे हमें हमके पञ्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को तीन वर्ष की अवधि के लिए उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, कर्नाटक को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी गुवित्राण प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निदिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभागों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निदिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय लेखाओं का अन्तरण, निरीक्षण प्रभागी संदाय आदि भी है, होने वाले सभी व्ययों का बहुत नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो, नियोजक, सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को मँदत करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाने हैं तो, नियोजक सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में सम्मिलित रूप में वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उक्त फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुलेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन मन्वेय रकम उग रकम में कम है जो कर्मचारी को उस दशा में मँदेय होती, जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशिनी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का संदाय करेगा।

8. सामूहिक बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, कर्नाटक के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चक्र है अधीन नहीं रह जाते हैं, या उक्त स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी सीमा से कम हो जाते हैं; तो छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने

में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो, छूट रद्द की जा सकती है।

11. नियोजक द्वारा प्रीमियम के संदाय में किए गए किसी व्यतिक्रम की दशा में, उन मन्वेयों के नाम निर्देशनियों या विधिक वारिसों को जो यदि छूट दी गई होती तो उक्त स्कीम के अन्तर्गत होने, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर उसके हकदार नामनिर्देशनियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम इसी बीमाकृत रकम प्राप्त होने के मातृ दिन के भीतर सुनिश्चित करेगा।

[संख्या एम०-35014/16/84-पी० एफ० 2]

S.O. 956.—Whereas Messrs Saroj Alloys and Steels Limited, Hospet, Bellary District, Karnataka (KN/6641) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of three years.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the regional Provident Fund Commissioner Karnataka, maintain such accounts and provide such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority the employees.

5. Whereas an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would

be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Karnataka and where any amendment is likely to effect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but grant of this exemption, shall be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure Prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S. 35014 (16)/84-PF-II]

नई दिल्ली, 6 मार्च, 1984

का० आ० 957.—केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स पाली जिला सहकारी भूमि विकास बैंक लिमिटेड, पाली, राजस्थान तथा (I) फाल्ना, (II) जयतारन तथा (III) गोजान सिटी स्थित इसकी शाखाओं सहित।

नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एम०-35019(53)/84-पी० एफ०-2]

New Delhi, the 6th March, 1984

S.O. 957.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pali, Zila Sahkari Bhoomi, Vikas Bank Ltd., Pali Rajasthan, including its branches at (i) Palna (ii) Jaitaram and (iii) Solat City have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(53)/84-PF-III]

का० आ० 958.—केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स ईस्टर्न एन्टरप्राइजिज, गुरुद्वारा रोड, कुरुक्ला-769011, जिला—सुन्दरगढ़, उड़ीसा नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एम०-35019(52)/84-पी० एफ०-2]

S.O. 958.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Eastern Enterprises, Gurudwara Road, Rourkela-769011, Sundargarh District, Orissa have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(52)/84-PF-II]

का० आ० 959.—केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स डायमंड पॉकेट बुक्स, 2715, कुचा छैलान, दरिया गंज, नई दिल्ली-110002 नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एम०-35019(42)/84-पी० एफ०-2]

S.O. 959.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Diamond Pocket Books, 2715, Kutcha Chellan, Darya Ganj, New Delhi-110002 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(42)/84-PF-II]

का० आ० 960.—केन्द्रीय सरकार को यह प्रतीत होता है कि मेसर्स यूनियंस एंजनीज, न्यू एंग्लिस्टिक बिल्डिंग, एच ब्लॉक, कनाट गार्डन, नई दिल्ली-110001, नामक स्थापन के सम्बन्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एम०-35019(41)/84-पी० एफ०-2]

S.O. 960.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Universal General Agencies, New Asiatic Building 2nd Floor, H-Block, Connaught Circus, New Delhi-11001, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment

[No. S-35019 (41)/84-PE-III]

का० आ० 961.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स शशीकान्त वेविंग फैक्ट्री यू० राम० मिश्री कम्पाउंड नियर इण्डस्ट्रियल इस्टेट, बापु नगर, अहमदाबाद-380023, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस०-35019(40)/84-पी० एफ०-2]

S.O. 961.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Shashikant Weaving Factory, U.M. Mistry Compound, Near Industrial Estate, Bapunagar, Ahmedabad-380023 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(40)/84-PF. II]

का० आ० 962.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रीमियर टेक्सटाइल प्रोडक्ट्स, 124—भारतीपुरम अम्मानकुलम रोड कोयम्बटूर-641037, तमिलनाडु तथा 5/5 हैडक्वार्टर्स रोड, कोयम्बटूर-18 स्थित इनके प्रधान कार्यालय सहित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस०-35019/(39)/84-पी० एफ०-2]

S.O. 962.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Premier Textile Products, 124, Bharathipuram, Ammanukulam Road, Coimbatore-641037 Tamil Nadu including its Head Office at 5/5, Headquarters Road, Coimbatore-18 have agreed that provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provision of the said Act to the said establishment.

[No. S-35019 (39)/84-PE-II]

का० आ० 963.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स डम दम वाल्व्स एण्ड बियरिंग (प्राइवेट) लि० 250, बैनिक मैनसन, बी० ब्लॉक लेक टाउन, कलकत्ता-700089 और फैक्ट्री स्थित 43/1, थी माल कलकत्ता-52 (वम-दम) नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस०-35017/(11)/84-पी० एफ०-2]

S.O. 963.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Dum Dum Valves and Bearing (Pvt.) Ltd. 250-Banik mansion, B-Block Lake Town, Calcutta-700089 including its factory at 43/1, The Mall, Calcutta-700052 (Dum Dum) have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(11)/84-PF-III]

का० आ० 964.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बी० के० इन्जीनियरिंग एण्ड कम्पनी (वर्क्स) स्टेशन रोड, पो०ओ० एण्ड विजैज छम्पाती डिस्ट्रिक्ट/24 पारगना (वेस्ट बंगाल) नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस०-35017(10)/84-पी० एफ०-2]

S.O. 964.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs B.K. Engineering & Company, Station Road, Champahati P.O. Dist. 24-Parganas (West Bengal) have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(10)/84-PF-III]

का० आ० 965.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इलेक्ट्रिकल प्रोडक्ट्स कार्पोरेशन 71-ए, टोलोनाज रोड, कलकत्ता-700033, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एस०-35017(8)/84-पी० एफ०-2]

S.O. 965.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Electrical Products Corporation 71A, Tollygunge Road, Calcutta have agreed that the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(8)/84-PF-II]

का० आ० 966.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जनप्रिय कैपिटल एण्ड फाइनेंशियल कन्सल्टेंट्स लि० 176, आचार्या जगदीश चन्द्र बोस रोड, कलकत्ता-14 और इसकी शाखा 208, यरौड स्ट्रीट कलकत्ता-19 नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम०-35017(7)/84-पी० एफ०-2]

S.O. 966.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the said establishment known as messrs Janapriya Capital & Financial Consultants Ltd., 176, Acharya Jagdish Chander Bose Road, Calcutta-14 including its branch at 208, broad street Calcutta-700019 have agreed that provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment.

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(7)/84-PF.II]

का० आ० 967.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पावर इलेक्ट्रॉनिक इन्जिनियर्स 1, जाहर लाल दुत्ता लेन (अल्टा-डंग), कलकत्ता-700067, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम०-35017(5)/84-पी० एफ०-2]

S.O. 967.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Power Electronic Engineers 1, Jahar Lal Dutta Lane, (Ultadanga) Calcutta-700067, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(5)/84-PF.II]

शुद्धिपत्र

का० आ० 968.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (4) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, भारत सरकार के तत्कालीन श्रम मंत्रालय की अधिसूचना का० आ० 2805 तारीख 31 जुलाई, 1982 द्वारा मैसर्स ग्रिफॉन लेबोरेट्रीज प्राइवेट लिमिटेड, 30/बी प्रिन्सप स्ट्रीट, कलकत्ता-700072 का दो नई प्लेट को उक्त अधिनियम की धारा 17 की उपधारा (2क) के अधीन इसके द्वारा तुरन्त रद्द करती है।

[संख्या एम०-35014/118/81-पी० एफ०-2]

CORRIGENDUM

S.O. 968.—In exercise of the powers conferred by clause (a) of sub-section (4) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby cancels with immediate effect the exemption under sub-section (2A) of section 17 of the said Act granted to M/s. Griffon Laboratories Private Limited, 40/B, Princep Street, Calcutta-700072 by the Notification of the Government of India in the late Ministry of Labour S.O. 2805 dated 31st July, 1982.

[No. S-35014/118/81-PF.III]

नई दिल्ली, 8 मार्च 1984

का० आ० 969.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ग्रीफॉन लैब्स प्राइवेट लि०, 21, पार्क स्ट्रीट, कलकत्ता-700016, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम०-35017(12)/84-पी० एफ०-2]

New Delhi, the 8th March, 1984

S.O. 969.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs Alex Ross and Sons Private Limited, 21-Park Street, Calcutta-700016 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(12)/84-PF.III]

का० आ० 970.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इस्वी इलेक्ट्रॉनिक 8, कैमक स्ट्रीट (6 वीं मंजिल) कलकत्ता-700017 और इसका ब्रंच 12, बेनेषाट रोड, कलकत्ता-700015 में स्थित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम०-35017(13)/84-पी० एफ०-2]

S.O. 970.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as messrs ESBI Industries 8, Camac Street (6th Floor) Calcutta-700017, and its works at 12, Belegghata Road, Calcutta, 700015, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(13)/84-PF-III]

कां० प्रा० 971.—केन्द्रीय सरकार का यह प्रतीत होता है कि मैसर्स जे०के० इंजीनियरिंग प्रो० प्रा० एण्ड विनेज छम्पाहाटी, 24-परगना (वेस्ट बंगाल) नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम-35017(14)/84-पी०एफ-2]

S.O. 971.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs J. K. Engineering, P.O. and Village Champahati, 24, Parganas (Wets Bengal) have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35017(14)/84-PF-III]

कां० प्रा० 972.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कां० डी प्राइवेट लि० (रजि० ऑफिस) 4, हैस्टिंग्स पार्क रोड, अलीपुर, कलकत्ता-700027 नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम-35017(15)/84-पी०एफ-2]

S.O. 972.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Kanol Plantations Private Ltd. (Regd. Office) 4 Hastings Park Road, Alipore, Calcutta-700027 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

[No. S-35017(15)/84-PF-III]

कां० प्रा० 973.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पी०सी०चेवली वेविंग वर्क्स, फलसावादी बेगमपुरा, सुरत नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम-35019(48)/84-पी०एफ-2]

S.O. 973.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs P.C. Chevli Weaving Works Falsawadi Begampura, Surat, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(48)/84-PF-III]

कां० प्रा० 974.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पीनको फैब्रिक्स, यू०एम० मिस्ट्री कंपाउंड, नियर इंडस्ट्रियल इस्टेट, बापु नगर, अहमदाबाद, नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम-35019(49)/84-पी०एफ-2]

S.O. 974.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Pinkoo Fabrics, U.M. Mistry Compound, Near Industrial Estate, Bapunagar, Ahmedabad-23, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(49)/84-PF-III]

कां० प्रा० 975.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मन्जय कं०पॉरेशन, ए०बी० रोड, संजलिया इन्डियन (एम०पी०) और कार्यालय 22, संयोगितागंज, इन्दौर-452001 में स्थित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम-35019(51)/84-पी०एफ-2]

S.O. 975.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Sanyaj Corporation, A. B. Road, Mangliya, Indore (MP) including its office at 22, Sanyogitaganj Indore-452001 (MP) have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the power conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(51)/84-PF-III]

का०आ० 976.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्याम टाकिये, बालाघाट, (एम०पी०), नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये:

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उक्त अधिनियम के उक्त बंध उक्त स्थापन को लागू करती है।

[स० एम-35019(50)/84-पी०एफ०-2]

S.O. 976.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Shyam Talkies, Balaghat (Madhya Pradesh), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(50)/84-PF-III]

का०आ० 977.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पंजाब इलेक्ट्रो ऑप्टीकल सिस्टम लिमिटेड, एफ 3-10, इण्डस्ट्रियल फोकल प्वाइंट, फेज-8, एम०ए एन० नगर (मोहाली)—160051, पंजाब नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[स० एम-35019(54)/84-पी०एफ०-2]

S.O. 977.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Punjab Electro Optics System Limited F 3-10, Industrial Focal Point, Phase-VIII, S.A.S. Nagar (Mohali)-160051, Punjab have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(54)/84-PF-III]

का०आ० 978.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स ह्यूमा मेटल इण्डस्ट्रीज, सी-3/1, इण्डस्ट्रियल डेवलपमेंट एरिया, उप्पल, हैदराबाद-500039, आन्ध्र प्रदेश नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[स० एम-35019(55)/84-पी०एफ०-2]

S.O. 978.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Huma Metal Industries, C-3/1, Industrial Development Area, Uppal, Hyderabad-500039, Andhra Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019(55)/84-PF-III]

शुद्धि-पत्र

का० आ० 979.—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 20 नवम्बर, 1982 के पृष्ठ 4077-4078 पर प्रकाशित भारत सरकार के श्रम और पुनर्वास मंत्रालय के श्रम विभाग की अधिसूचना सं० का० आ० 3885, तारीख 8 नवम्बर, 1982 में, पृष्ठ 4077 पर तीसरी पंक्ति में "सेंट एन्थनी चेंबर" के स्थान पर "सेंट एन्थनी मार्ग, चेंबूर", पढ़े।

[स० एम-35018/64/82-अ० नि०-11]

CORRIGENDUM

S.O. 979.—In the notification of the Government of India in the Ministry of Labour and Rehabilitation, Department of Labour No. S.O. 3885 dated the 8th November, 1982 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 20th November, 1982 at page 4078 in line 6, for 'St. Anthony's Chembur', read 'St. Anthony's Road, Chembur'.

[F. No. S-35018/64/82-PF-III]

नई दिल्ली, 9 मार्च, 1984

का० आ० 980.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्द्वारा 11 मार्च, 1984 को उस तारिख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध कर्नाटक राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

"जिला बगलूर तालुक रामनगरम में रामनगरम की तालुक पालिका सीमाएं और राजस्व ग्राम वाडेगहल्ली, इजूर, अचलू तथा चन्नामनहल्ली अर्चिकगहल्ली के अन्तर्गत आने वाले क्षेत्र।"

[स० एम-35013/2/84-एच० आई०]

New Delhi, the 9th March, 1984

नई दिल्ली, 12 मार्च, 1984

S.O. 980.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State, Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 11th March, 1984 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Karnataka, namely:—

"The areas comprised within Municipal Limits of Ramnagar and Revenue Villages Vaderahalli, Ijoor, Achalu and Channamanahalli, Archakarahalli, in Taluka Ramanagar, District Bangalore."

[No. S-38013/2/84-H1]

का० आ० 981.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैंगम आई० बी० पॉप 3, चित्तरंजन एवेन्यू, कलकत्ता-700072 और फैक्ट्री 83, बैलीगंज प्लेस, कलकत्ता-700019 में स्थित नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

[सं० एम-35017(6)/84-पी० एफ-2]

S.O. 981.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs I. B. Ghosh, 3, Chittaranjan Avenue, Calcutta-700072 and its factory at 83, Bally Gunge Place, Calcutta-700019 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017(6)/84-PF. II]

शुद्धि-पत्र

का० आ० 982.—भारत के राजपत्र, भाग 2, खण्ड 2, उप-खण्ड (ii) तारीख 1 जनवरी, 1983 के पृष्ठ 17 पर प्रकाशित भारत सरकार की श्रम और पुनर्वास मंत्रालय की अधिसूचना सं० का० आ० 18, तारीख 6 दिसम्बर, 1982 की पंक्ति 2 में, "महाराष्ट्र/5064" शब्द और अंकों के स्थान पर "महाराष्ट्र/6054" पढ़े।

[सं० एम० 35014(380)/82-पी० एफ०-2]

CORRIGENDUM

S.O. 982.—In the notification of the Government of India in the Ministry of Labour and Rehabilitation No. S.O. 18 dated 6th December, 1982 published in the Gazette of India, Part II Section 3, Sub-section (ii) dated 1st January 1983 on page 17 in line 2 for the words and figures 'MH/5064' read 'MH/6054'.

[No. S. 35014(380)/82-PF. II]

का० आ० 983.—केन्द्रीय सरकार का यह समाकाश हो गया है कि इससे उपबद्ध अनुसूची में विनिर्दिष्ट भारत सरकार के कारखानों के कर्मचारी अन्यथा उन प्रमुखिधियों को प्राप्त कर रहे हैं जो कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उपबंधित प्रमुखिधियों के मातः समरूप हैं;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 91क के साथ पठित धारा 90 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 1700 तारीख 2 मार्च, 1983 सं० 3210, 15 जलाई, 1983 और सं० 3210, तारीख 30 जुलाई, 1983 के अनुक्रम में पूर्वोक्त अनुसूची के स्तम्भ 2 में विनिर्दिष्ट कारखानों को उक्त अधिनियम के प्रवृत्त से, 1 अक्टूबर, 1983 से 30 सितम्बर, 1985 तक की जिसमें यह तारीख भी सम्मिलित है, और अवधि के लिए छूट देता है।

2. पूर्वोक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात्:—

(1) उक्त कारखाने का नियोजक उस अवधि के बावत जिसके दौरान वह कारखाना उक्त अधिनियम के प्रवृत्त के अधीन था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है), ऐसे विवरणियाँ, ऐसे प्रूप में और ऐसी विनिर्दिष्टियों सहित, देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बावत देनी थी;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या निगम का इस निमित्त प्राधिकृत कोई अन्य पदाधिकारी,—

(i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बावत दी गई किसी विवरणी की विनिर्दिष्टियों का सत्यापन करने के प्रयोजनों के लिए; या

(ii) यह अभिनिश्चित करने के प्रयोजनों के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं; या

(iii) यह अभिनिश्चित करने के प्रयोजनों के लिए कि कर्मचारी, नियोजक द्वारा दी गई उन प्रमुखिधियों को, जो ऐसी प्रमुखिधियाँ हैं, जिनके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या

(iv) यह अभिनिश्चित करने के प्रयोजनों के लिए कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में उक्त अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने के लिए सशक्त होगा,—

(क) प्रधान नियोजक या अव्यवहृत नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या

(ख) ऐसे प्रधान नियोजक या अव्यवहृत नियोजक के अधिभोग में के कारखाने, स्थापन, कार्यालय या अन्य परिमर में किसी भी उचित समय पर प्रवेश करना और उसके सारसाधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखे, बहियाँ और अन्य दस्तावेजों, ऐसे निरीक्षक या अन्य पदाधिकारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे; या

(ग) प्रदान नियोजन या अस्पष्टित नियोजन की, उसके अधिकारी या वेधक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिष्कार में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना;

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिष्कार में रखे गए किसी रेजिस्टर, लेखाबही या अन्य वस्तुओं की नकल करना या नक्से उद्धरण लेना।

अनुसूची

क्रम सं०	कारखाने का नाम	संघित मंत्रालय/विभाग
1	2	3
1.	माम मेलिंग प्रेस, माम मेलिंग युनिट, मथरा मार्ग, नई दिल्ली	स्वास्थ्य और परिवार कल्याण मंत्रालय (परिवार कल्याण विभाग)
2.	आल इंडिया इस्टीमेट्स आफ फिजीकल फेडीमिन् एण्ड रिहोबिलिटेसन, मुम्बई की प्राथमिक कर्मशाला	स्वास्थ्य और परिवार कल्याण मंत्रालय (परिवार कल्याण विभाग)
3.	गवर्नमेंट ऑफिस एंड टेक्नोलॉजी, गाजीपुर	वित्त मंत्रालय (राजस्व विभाग)
4.	न्यूक्लियर फ्यूल कामप्लेक्स, हैदराबाद	परमाणु ऊर्जा विभाग
5.	कलकत्ता, मुम्बई और जयपुर स्थित संचार कारखाने	संचार मंत्रालय (डाक तार बोर्ड)
6.	सरकारी तार मंडार, मुम्बई	संचार मंत्रालय (डाक तार बोर्ड)
7.	डाक तार सोलर मॉडल कर्मशालाएं, मुम्बई।	संचार मंत्रालय (डाक तार बोर्ड)
8.	अयस्क उठाई धराई संयंत्र स्थल कर्मशाला विभागापत्तनम, पत्तन न्याय, विभागापत्तनम।	नौवहन और परिवहन मंत्रालय
9.	मौसम विज्ञान संबंधी कर्मशाला, पुणे।	पर्यटन और नागर विमानन मंत्रालय।
10.	ज्योडोसीय और अनुसंधान शाखा कर्मशाला, भारतीय सर्वेक्षण, देहरादून।	विज्ञान और प्रौद्योगिकी विभाग।
11.	सर्वेक्षण निदेशालय (ए आई आर) मुद्रण प्रेस, नई दिल्ली।	विज्ञान और प्रौद्योगिकी विभाग
12.	सं० 104 (4 डी डी) मुद्रण मूक, भारतीय सर्वेक्षण मागदर्शी नक्शा उत्पादन संयंत्र, हैदराबाद	विज्ञान और प्रौद्योगिकी विभाग।
13.	भारत सरकार, मुद्रणालय, कोयम्बटूर।	निर्माण और आवास मंत्रालय
14.	भारत सरकार, मुद्रणालय, कोरट्टी।	निर्माण और आवास मंत्रालय

1	2	3
15.	भारत सरकार, पाठ्य-पुस्तक मुद्रणालय, चंडीगढ़।	निर्माण और आवास मंत्रालय
16.	भारत सरकार फोटोलिथो मुद्रणालय, फरीदाबाद।	निर्माण और आवास मंत्रालय
17.	भारत सरकार पाठ्य-पुस्तक मुद्रणालय, मैसूर-11।	निर्माण और आवास मंत्रालय
18.	लघु उद्योग सेवा संस्थान, औद्योगिक एस्टेट ओब्ला, दिल्ली।	उद्योग मंत्रालय
19.	केन्द्रीय कुक्कुट अभिजनन फार्म, चंडीगढ़।	कृषि विभाग
20.	वैक नोट मुद्रणालय, देवास।	वित्त मंत्रालय (आर्थिक कार्य विभाग)

[सं० एम-38014/11/83-एच आई]

ए० के० भट्टराई, अवर सचिव

राष्ट्रीय सरकार शापन

इस मामले में छूट की संज्ञा के लिए प्रार्थनापत्र देर से प्राप्त हुआ था इसलिए छूट की भूतलक्षी प्रभाव देना आवश्यक हो गया है। यह प्रमाणित किया जाता है कि छूट को भूतलक्षी प्रभाव देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 12th March, 1984

S.O. 983.—Whereas the Central Government is satisfied that the employees of the factories, specified in the Schedule annexed hereto, belonging to the Government of India are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees State Insurance Act, 1948 (34 of 1938);

Now, therefore, in exercise of the powers conferred by section 90 read with section 91A of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour No. S.Os. 1700 dated the 2nd March 1983, No. 3038 dated the 15th July, 1983 and No. 3210 dated the 30th July, 1983 the Central Government hereby exempts the factories specified in column 2 of the Schedule aforesaid, from the operation of the said Act for a further period with effect from the 1st October, 1983 upto and inclusive of the 30th September, 1985.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act or other

official of the Corporation authorised in this behalf shall, for the purposes of :—

(i) Verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether any of the provisions of the said Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to :—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises.

SCHEDULE

Sl. No.	Name of the Factory	Ministry/Department concerned
1	2	3
1.	Mass Mailing Press Mas Mailing Unit, Mathura Road, New Delhi.	Ministry of Health and Family Welfare (Department of Family Welfare).
2.	Prosthetic Workshop of the All India Institute of Physical Medicine and Rehabilitation, Bombay.	Ministry of Health and Family Welfare (Department of Health).
3.	Government Opium and Alkaloid Works, Ghazipur.	Ministry of Finance (Department of Revenue).
4.	Nuclear Fuel Complex, Hyderabad.	Department of Atomic Energy
5.	Telecommunication Factories at Calcutta, Bombay and Jabalpur.	Ministry of Communications (Post and Telegraph Boards).
6.	Government Telegraph Stores, Bombay.	Ministry of Communications (Post and Telegraph Boards).
7.	Posts and Telegraphs Motor Service Workshops, Bombay	Ministry of Communications (Post and Telegraph Boards).
8.	Ore Handling Plant Site Workshop, Visakhapatnam, Port Trust Visakhapatnam.	Ministry of Shipping and Transport.
9.	Metrological Workshop, Poona.	Ministry of Tourism and Civil Aviation.

1	2	3
10.	Geodetic and Research Branch Workshop, Survey of India, Dehradun.	Department of Science and Technology.
11.	Directorate of Survey (AIR) Printing Press, New Delhi	Department of Science and Technology.
12.	No. 104 (4BD) Printing Group, Pilot Map Production Plant Survey of India, Hyderabad.	Department of Science and Technology.
13.	Government of India Press, Coimbatore.	Ministry of Works and Housing.
14.	Government of India Press, Koratty.	Ministry of Works and Housing.
15.	Government of India Text Books Press, Chandigarh.	Ministry of Works and Housing.
16.	Government of India Photo Litho Press, Faridabad.	Ministry of Works and Housing.
17.	Government of India Text Book Press, Mysore-11	Ministry of Works and Housing.
18.	Small Industries Service Institute, Industrial Estate, Okhla, Delhi.	Ministry of Industries.
19.	Central Poultry Breeding Farm, Chandigarh.	Department of Agriculture.
20.	Bank Note Press, Dewas	Ministry of Finance (Department of Economic Affairs)

[No. S-38014/11/83-HI]

A.K. BHATTARAI, Under Secy.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that grant of exemption with retrospective effect will not affect the interest of any body adversely.

वन विभाग

नई दिल्ली, 13 जनवरी, 1984.

आदेश

का० अ० 984—केन्द्रीय सरकार को राज्य के उच्च न्यायालय अनुसूची में विनिर्दिष्ट विषय के बारे में पश्चिमी रेलवे प्रशासन के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है।

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्दिष्ट करना वांछनीय समझती है।

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, एक औद्योगिक अधिकरण गठित करती है जिसमें पीठासीन अधिकारी श्री महेन्द्र भूषण शर्मा होंगे, जिसका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णय के लिए निर्दिष्ट करती है।

अनुसूची

श्री महेन्द्र भूषण शर्मा पश्चिमी रेलवे बम्बई ठाण्डी और श्री मुन्शी लाल शर्मा, निरीक्षक, रोजगार कार्य-घटे विनियम, पश्चिमी रेलवे अजमेर,

की लिपिकीय संवर्ग में 28 जून, 1961 से ठीक बरीयता निर्धारित न करने की कार्यवाही न्यायोचित है? यदि नहीं, तो श्री वर्मा किस अनुतोष के हकदार हैं?

[सं० एल-41012/15/83-डी-2 (बी०)]

(Department of Labour)

New Delhi, the 13th January, 1984

ORDER

S.O. 984.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Western Railway Administration and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of General Manager, Western Railway Bombay is justified in not assigning the correct seniority to Shri Munshilal Verma, Inspector Hours of Employment Regulations, Western Railway Ajmer, with effect from 28th June, 1961 in the clerical cadre? If not, to what relief is Shri Verma entitled?"

[No. L-41012(15)/83-D.II(B)]

नई दिल्ली, 15 फरवरी, 1984

आदेश

का० आ० 685 :—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में पश्चिमी रेलवे, बम्बई के प्रबंधन ने सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री जी० एन० बरोत होंगे, जिनका मुख्यालय अजमेर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या पश्चिमी रेलवे, बम्बई मेट्रन के विभागीय रेलवे प्रबंधक की उच्च० एच० ओ० उधना के अन्तर्गत शेड क्लोथर मुकदम, सर्वश्री भीकुभाई बी०, पुताभाई हेडिड को, जाम् आर०, चनाभाई एन०, चिनामी, दाह्या मी और मांगरू के० की बरियता का अधिकरण करते हुए 280 रु०-400 रु० के वेतनमान में प्रप्रेष किए गए पदों के लिए उनके दावे की उपेक्षा करने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष के हकदार हैं?"

[सं० एल-41011/49/83-डी-2(बी)]

New Delhi, the 15th February, 1984

ORDER

S.O. 985.—Whereas the Central Government is of the opinion that an Industrial Dispute exists between the employees in relation to the management of Western Railway, Bombay and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with head-quarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the Divisional Railway Manager, Western Railway, Bombay Central in ignoring the claim of S/Shri Bhikubhai B. Poonabhai David K. Jamu R. Chanabhai N. Chiba C. Dahya C and Mangroo K. Shed cleaner Muccadama under WFO Udhna for upgraded posts in the scale of Rs. 260-400 bypassing their seniority is justified? If not, to what relief are the concerned workmen entitled?"

[No. L-41011(49)/83-D.II(B)]

नई दिल्ली, 20 फरवरी, 1984

आदेश

का० आ० 986 :—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में पश्चिमी रेलवे प्रशासन के प्रबंधन ने सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री महेन्द्र भूषण शर्मा होंगे, जिनका मुख्यालय अजमेर में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या पश्चिमी रेलवे प्रशासन के प्रबंधन की (i) पश्चिमी रेलवे मजदूर संघ, गांधी घास के संयुक्त मंचिप, श्री ओ० पी० वशिष्ठ, को निलम्बित करने और (2) अनुबन्ध में सूचीबद्ध छंटनी किये गये 39 तैमिलिक्क अधिकों को बहाल न करने तथा 29-11-82 से उनके वेतन की प्रदायगी न करने की कार्यवाही न्यायोचित है? यदि नहीं, तो ये कर्मकार किस अनुतोष के हकदार हैं?"

अनुबन्ध

क्रमांक	कर्मकार का नाम
1	2
1.	सर्वश्री वेदीबाल टोपलाल
2.	" शिवलिंगम प्रत्सीमुलान
3.	" मुत्तामणियम चेलासुलु
4.	" अर्जुन मंगाम्सी
5.	" कृष्णा अण्णेषान
6.	" मुत्तामण्यम तृष्ण
7.	" अर्मुगम पंवाडी
8.	" टंगवेल कन्नम
9.	" बालकृष्णन वासुदेवन
10.	" अमरकोस अरोयम
11.	" मसलामणि वेदीबाल
12.	" कन्नन अश्रीमुलु
13.	" काशी मुत्ती मुलु

1	2
14.	सर्वश्री मरीमुत्तु वेसान
15.	" कर्णानिधि वेदयादम
16.	" पिन्ना स्वामी कुर्गि स्वामी
17.	" शिवराज श्रीनिवासन
18.	" पिन्ना स्वामी कियना स्वामी
19.	" सिल्वराज परिमल
20.	" सुब्राम्यम पात्री
21.	" पात्री अर्जनन
22.	" मुरगेशन कुप्पन
23.	" मणिकम गोविन्दम
24.	" श्रीम प्रकाश चन्दरी राम
25.	श्रीमती कोलांजी मणि
26.	" उस्मभाई बक्सु
27.	" कामला नत्तन
28.	" वंदमला पात्री मुत्तु
29.	" अन्जली
30.	" कालंजी मोतियाम
31.	" गोविन्दम गोपाल
32.	" मेरी जोहन
33.	" मरीमुत्तु नन्दुपायन
34.	" वेलाबू नारायम
35.	" लजमी मणिकम
36.	" टंपाकियम चिपरीमल
37.	" अन्जली मुत्तु
38.	" अम्बाबाई कोटिश्वरा राव

[सं० एल-41011/27/83-डी-2(बी)]

New Delhi, the 20th February, 1984

ORDER

S.O. 986.—Whereas the Central Government is of the opinion that an Industrial Dispute exists between the employers in relation to the management of Western Railway Administration and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Mahendra Bhushan Sharma shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of the Western Railway Administration in (1) suspending Shri O. P. Vashistha, Joint Secretary of the Western Railway Mazdoor Sangh, Gandhidham and (2). Not reinstating the 39 retrenched casual labour listed in the annexure and not paying their wages from 29-11-82 is justified? If not, to what relief are these workers entitled?"

ANNEXURE

S.No.	Name of the Workman
1	2
1.	S/Shri Vedival Topal
2.	S/Shri Shivlingam Allimulan
3.	" Subramaniyam Chellamuttoo
4.	" Arjunan Munagatti
5.	" Krishna Andapan
6.	" Subramaniyam Krishan
7.	" Armugam Panwadey

1	2
8.	Tangwell Kannan
9.	" Balkrishnan Vasudevan
10.	" Amtrose Arogeyyam
11.	" Masalamani Vedival
12.	" Kannan Annimuttoo
13.	" Kalimutti Muttoo
14.	" Marrimuttoo Chellan
15.	" Karunanidhi Vedayandam
16.	" Chinna Swamy Durry Swamy
17.	" Shivrav Srinivasan
18.	" Chinna Swamy Kishna Swami
19.	" Silvrav Parimal
20.	" Subramiyam Panney
21.	" Pannoy Arjanan
22.	" Murgeshan Kuppan
23.	" Manikam Govindan
24.	" Om Prakash Chandagiram
25.	Smt. Kolanji Manni
26.	Smt. Ushambhai Baxu
27.	Smt. Kamla Nattan
28.	" Dardamla Panney Muttoo
29.	" Anjali
30.	" Kalanji Motiyam
31.	" Govindama Gopal
32.	" Marry Johan
33.	" Marrimuttoo Nandupayan
34.	" Velanboo Narayan
35.	" Lazmi Manikam
36.	" Tanpakkiyan Chiparimal
37.	" Smt. Anjali Muttoo
38.	" Smt. Ambabai Kotishwara Rao.

[No. L-41011(27)/83-D.II(B)]

नई दिल्ली, 23 फरवरी, 1984

आदेश

का० आ०. 987.—केन्द्रीय सरकार की राय है कि हमसे उपावद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में पश्चिमी रेलवे के प्रबंधतंत्र से सम्बद्ध एक औद्योगिक विवाद नियोजकों और इनके कर्मचारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री जी० एस० बरोत होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या कार्यपालक इजीनियर (निर्माण), अहमदाबाद की अनुबन्ध में दिए गए नैमित्तिक श्रमिकों की 11-12-80 से सेवाएं समाप्त करने की कार्यवाही वैध और न्यायोचित है? यदि नहीं तो कर्मकार किस अनुतोष के हकदार हैं?"

अनुबन्ध

क्रमांक	कर्मकार का नाम
1	2
1.	सर्वश्री बाला उकर
2.	" बाजेसिंह शंकर
3.	" मान सिंह कालू
4.	" कांजी प्रेमा

1	2	1	2
5. सर्वेश्वर बाबर जेवा		16. S/Shri Amdi Bhana	
6. " धाना भुरा		17. " Mathuri Parthi	
7. " मानसिंह दाल सिंह		18. " Lalita Kanji	
8. " केशव माकना		19. " Kasturi Kanji.	
9. " भूदू रतना			
10. " कसपसिंह सेना			
11. " देवा सकरा			
12. " देवा माकना			
13. " काबर सोना			
14. " दीता कांजी			
15. " भनू देव			
16. " भमदी भाना			
17. " माथरी पारधी			
18. " ललीता कांजी			
19. " कस्तूरी कांजी			

[No. L-41011(36)/82-D.II(B)]

आदेश

कां.आ.०५४८:—केन्द्रीय सरकार की राय है कि इससे उपायद्वय मतसूची में विनिर्दिष्ट विषय के बारे में डी. आर. एम. वैस्टर्न रेलवे प्रजमेर वरिष्ठ एम. ई. (डिजल) आबू रोड और महाप्रबन्धक वैस्टर्न रेलवे बम्बई के संबंधित में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है;

अतः केन्द्रीय सरकार औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री जी. एस. बरीत होंगे; जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

अनुसूची

“क्या महाप्रबन्धक वैस्टर्न रेलवे चर्च गेट, बम्बई की उनके आदेश दिनांक 9-5-78 में जिसमें सर्वश्री 1. प्रज मोहन पुत्र रामचन्द्र 2. निमाम्बी 3. धनीराम पुत्र रामस्वर्ण 4. मुरजीत सिंह 5. धन्ना लाल सेनी 6. कान्ति लाल मणिशंकर 7. विष्णु प्रसाद पुत्र जमूना प्रसाद 8. प्राण सिंह बरकतराम मेठी 9. बुन्नी लाल पुत्र भगवान दास 10. अमरीक सिंह कुलर पुत्र जगनसिंह

डिजल मैकेनिकों, की बरियता प्रभावित होती है परिवर्तन करने की कार्यवाही न्यायचित है? यदि नहीं तो कर्मकार किस अनुतोष के हकदार हैं?

[गं. एल-41011/(54क)/83-डी-2(बी)]

टी० बी० सीकरमन, अवर सचिव

[सं. एल-41011/36/82-डी-2(बी)]

New Delhi, the 23rd February, 1984

ORDER

S.O. 987.—Whereas the Central Government is of the opinion that an Industrial Dispute exists between the employers in relation to the management of Western Railway, and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the Executive Engineer (Const.) Ahmedabad in terminating the services of the Casual Labourers as per Annexure with effect from 11-12-80 without payment of compensation etc. is legal and justified? If not, to what relief the workmen are entitled?”

ANNEXURE

1	2
S.No.	Name of workman
1.	S/Shri Vala Ukar
2.	„ Vajesigh Shankar
3.	„ Mansingh Kaloo
4.	„ Kanji Prema
5.	„ Baber Jewa
6.	„ Dhana Bhura
7.	„ Mansingh Dal Singh
8.	„ Keshva Makna
9.	„ Bhudu Ratana
10.	„ Kpsingh Sena
11.	„ Deva Sakra
12.	„ Deva Makna
13.	„ Kabir Sona
14.	„ Dita Kanji
15.	„ Manu Deva

ORDER

S.O. 988.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of DRM W. Rly., Ajmer Sr. ME (Diesel) Abu Road and General Manager, Western Railway, Bombay and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the General Manager, Western Railway, Churchgate, Bombay in modifying his

order dated 9-5-78 thereby affecting the claim of seniority of S/Shri 1. Brijmohan S/o Ranaachandra, 2. Chitambi, 3. Dhaniram S/o Ramswaroop, 4. Surjit Singh, 5. Dhannalal Saini, 6. Kantilal Manishanker, 7. Vishnuprasad S/o Jamunaprasad, 8. Pransingh Barkatram Sethi, 9. Chunnilal S/o Bhagwandas, 10. Amringsingh Kular S/o Jagatsingh, Diesel Mechanics is justified? If not, to what relief the workmen are entitled?"

[No. L-41011(54A)/83-D.II(B)]

T. B. SITARAMAN, Under Secy.

New Delhi, the 8th March, 1984

S.O. 989.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the Industrial Dispute between the employers in relation to the management of Bhakra Beas Management Board and their workmen, which was received by the Central Government on the 29th February, 1984.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL, CHANDIGARH.

Case No. I.D. 88/83 CHD 136/83 (DELHI)

PARTIES :

Employers in relation to the management of Bhakra Beas Management Board Nangal Township-Punjab.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri R. L. Kaith.

For the Workmen.—Shri Sat Pal Shah.

Bhakra Beas Management Board STATE-Punjab

AWARD

The Central Govt. Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the Industrial Disputes Act, 1947 hereinafter referred to as the Act, vide their Order No. L-42012(33)/81-D.II.B dated the 15th January, 1982 read with S.O. No. S-11025(2)/83 dated the 8th June, 1983 referred the following Industrial Dispute to this Tribunal for adjudication:—

"Whether the action of the management of Bhakra Beas Management Board in not allowing the same rates of Uniforms and Washing allowance to Shri Ayodhya Prashad and Jit Singh, Cleaners of Heavy Equipment Sub-Division as allowed to their counterparts in Transport and Haulage Sub-Division is justified? If not, to what relief the said workmen are entitled?"

2. According to the petitioner/workmen they were employed and working as Cleaners under the Resident Engineer Bhakra Mechanical Division in Heavy Equipment Sub-Divn. since 14-3-73 and enjoyed a common seniority with their counterparts serving in the Transport and Haulage Sub Divn. of Bhakra Mechanical Divn. It was pleaded that in the very nature of things both the sets of cleaners were doing the same duty, but for no apparent justification the management was depriving them (the petitioner) of the uniforms and washing allowance facilities as given to their counterparts in the Transport and Haulage Sub Divn. They, therefore, claimed parity and prayed for the grant of uniform and washing allowance in accordance to the sanction accorded by the Secretary per his letter number 2772-74/B-556/1174-4B dated 21-2-80; but the management was found unresponsive, so an Industrial Dispute was raised

giving rise to the instant reference because no amicable settlement could be arrived at during the conciliation proceedings inspite of the intervention of the A.L.C.(C).

3. Resisting the petitioners' claim the management questioned the vices of the reference denying inter-alia that there was any dispute, they rather averred that the cause was not properly espoused and otherwise too the petitioners could not claim parity with their counterparts in Transport and Haulage Sub Divn. in view of the distinct nature of duties.

4. The parties were taken to trial on the following issues framed over and above the terms of Reference:—

(1) Whether the reference is legally infirm or incompetent as alleged POPR.

(2) Whether the workmen's cause is not properly espoused?

5. In support of their case the petitioners relied on the letters Exts. W2 to W4 and examined one of them, whereas for the reasons better known to them the management opted against leading any evidence.

6. On a careful scrutiny of the limited available data and on hearing the parties I am inclined to sustain the petitioners' claim because the testimony of one of them, viz. Ayodhya Prasad, stands almost un rebutted despite specific assertion that the Cleaners in the Heavy Equipment Sub-Divn. were doing a similar job as their counterparts posted in the Transport and Haulage Sub Divn. He was subjected to a searching cross-examination on behalf of the management but nothing material could emerge out except that the Cleaners of these two Sub Divisions were working on different types of vehicles. In my considered opinion the grant of uniform and washing allowance to a workman engaged on an automobile is very much functional and is related to the job performance. It hardly matters as to whether one cleans and washes a Bus, Truck or Truck trailer etc. In the same sequence it may also be worthwhile to note that according to the common case of the parties there was a common cadre and seniority list of the Cleaners working in both the Sub Divisions of Heavy Equipment Sub Divn. and Transport and Haulage Sub Divn.

7. Perhaps the management was also aware of the weakness of their own cause and that explains their failure to lead any evidence. I, therefore, feel that the discrimination between the two sets of the Cleaners working in the same Divn. of course under different Sub Divns. on similar nature of jobs was unreasonable and required to be removed.

8. Accordingly, I return my Award in favour of the Workmen with a direction to the management that they (workmen) should be forthwith placed at par with their counterparts serving in the Transport and Haulage Sub Divn. in the matter of Uniforms and Washing Allowance.

Chandigarh.

Dated 24-2-84

I. P. VASISHTH, Presiding Officer

[No. L-42012(33)/81-D.II(B)]

T. B. SITARAMAN, Under Secy.

New Delhi, the 6th March, 1984

S.O. 990.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3 Dhanbad in the industrial dispute between the employers in relation to the management of Chinakuri Colliery of M/s. Eastern Coalfields Ltd., P.O. Sunderchak, Distt. Burdwan and their workmen which was received by the Central Government on the 29th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 14/82

PRESENT :

Shri J. N. Singh, Presiding Officer

PARTIES :

Employers in relation to the management of Chinakuri
Colliery of M/s. Eastern Coalfields Ltd. P.O.
Sunderchak, Dist. Burdwan.

AND

Their workman

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.

For the Workman—None.

INDUSTRY : Coal.

STATE : West Bengal

Dated, the 23rd February, 1984

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-19012(43)/81-D.IV(B) dated the 16th February, 1982.

SCHEDULE

"Whether the management of Chinakuri Colliery of M/s. Eastern Coalfields Ltd., P.O. Sunderchak Dist. Burdwan was justified in superannuating Shri N. L. Roy with effect from 1-9-1980. If not, to what relief is the workman entitled?"

2. After filing written statement and documents several dates were given to the parties for hearing of the case which is pending since 23-2-1982, but the union mostly remained absent and neglected the hearing of the case. On 23-12-83 also none was present for the union and so the case was adjourned to 25-1-84. On 25-1-84 Sri J. I. Lal, Advocate was present for the union but he was not ready to proceed with the case. The case was, however, adjourned for hearing on 23-2-84 as a last chance to the parties. But today also no representative of the union was present and ready for hearing of the case though the management's Advocate Sri B. N. Lala was present.

3. In such circumstances, it appears that the union has no interest and they have now no dispute with the management. In such circumstances, a 'No dispute' award is passed.

J. N. SINGH, Presiding Officer

[No. L-19012(43)/81-D.IV(B)]

S.O. 991.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Chairman-cum-Managing Director of M/s. Eastern Coalfields Ltd., Sanctoria, Post Office Dibrugarh (Burdwan), and their workmen, which was received by the Central Government on the 29th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 53/81

PRESENT :

Shri J. N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Office of
the Chairman-cum-Managing Director of M/s.
Eastern Coalfields Ltd. Sanctoria, P.O. Dishegarh,
Dist. Burwan (W.B.).

AND

Their workmen.

APPEARANCES :

For the Employers—Shri B. N. Lala, Advocate.

For the Workmen—Shri J. D. Lal, Advocate

INDUSTRY : Coal.

STATE : West Bengal

Dated, the 25th February, 1984

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-19012(7)/81-D.IV(B) dated the 26th October, 1981.

SCHEDULE

"Whether the employer of Office of the Chairman-cum-Managing Director of M/s. Eastern Coalfields Ltd., Sanctoria, P.O. Dishegarh, Dist. Burdwan (West Bengal) was justified in not placing S/Shri T. R. Paul and T. C. Mukherjee in Technical and Supervisory Grade 'D' from 21-2-74 and 18-2-74 as also in Tech. and Supervisory Grade 'C' from 1-4-80 together with payment of difference of wages for each stage? If not, to what relief the concerned workmen are entitled?"

2. The case of the workmen is that Sri T. R. Paul one of the concerned workmen was an employee in Ex-Bengal Coal Co. Ltd., from 8-5-1958 to 30-9-1970 and worked as an Asst. Surveyor in different collieries but his services were terminated in 1970 due to surplus of workmen. Another workman Sri T. C. Mukherjee worked as a Trainee Surveyor at Ranipur Colliery of Ex-Equitable Coal Co. Ltd., from February 1961 to April, 1969 and his services were also terminated being surplus in 1969.

3. It is then stated that in 1974 the present management Eastern Coalfields Ltd., interviewed three persons viz. Sri Paul and Mukherjee who were outside candidates and one Sri Narayan Chandra Majee who was internal candidate for the post of Tracers for headquarters at Sanctoria. It is submitted that in Ex-Bengal Coal Co. and Equitable Coal Co., the grade of Tracers were in Technical Grade C and D respectively. The Wage Board recommendation, however, prescribed Grade E for Tracers but recommended that the same was the minimum grade which was permissible but if there were better rates of wages they should be protected. Both the concerned workmen as also Sri Narayan Chandra Majee were interviewed for the post of Tracers by the same committee and Sri Mukherjee was appointed as a Tracer in Grade E and he joined that post on 18-2-74. Similarly Sri T. R. Paul joined the said post in Grade E on 21-2-74. Sri Narayan Chandra Majee who was an internal candidate was appointed on 1-4-74. It is submitted that though the two concerned workmen S/Shri Paul and Mukherjee were given Grade E at the time of their appointment but Sri Narayan Chandra Majee was given Grade D which amounts to discrimination. It is further submitted that all other Tracers working in the same department and performing the same kind of job are in Grade D and the two concerned workmen are the only workmen who are in Grade E which amounts to discrimination. It is submitted that they are entitled to be put in Technical and Supervisory Grade D from the dates of their respective appointment viz. 21-2-74 and 18-2-74 and are entitled to be put in higher grade from 1-4-80 when they got the first promotion in Grade C with payment of difference of wages for each stage.

4. The case of the management, however, is that as per Wage Board recommendation a Tracer is in Technical Grade E and this grade has also been prescribed as per I.B.C.C.I. resolution under N.C.W.A-II. It is stated that 2 posts of Tracers fell vacant in the year 1974 at the headquarters for which advertisement was made and these two workmen applied for the same as fresh recruits. They were accordingly appointed as Tracers in Technical Grade E as per Wage Board recommendation. The two concerned workmen

accepted the terms and conditions of service as laid down in their appointment letters dated 12-2-74 and they never raise any dispute till 1980. It is submitted that they got their next promotion in 1980 in Grade D and further in 1983 they got another promotion in Grade C. So far other Tracers working at the headquarter is concerned, it is submitted that they are all taken over employees and so U/S (14(1) of the Nationalisation Act their emoluments were protected and they are in Grade D in which they are working from before. So far Sri Narayan Chandra Majee is concerned it is submitted that he was also an internal candidate and keeping in view the fact that he was an old employee he was given Grade D at the time of appointment and there has been no discrimination at all as alleged by the union. It is submitted that the concerned workmen who were fresh recruits were given proper grade at the time of appointment as per advertisement made by the management and they accepted the terms and conditions of service and so they cannot raise the dispute again. Further the claim is a stale one.

5. On these grounds it is submitted that the Reference be decided in favour of the management.

6. During the course of argument the only point urged on behalf of the workmen was that the management has discriminated the two concerned workmen. It is submitted that Sri Narayan Chandra Majee was interviewed along with these two concerned workmen was given Grade D while other Tracers working there are also in that Grade and hence at the time of appointment itself the concerned workmen should have given grade D and not Grade E. It is, therefore, to be seen as to whether any discrimination has been caused in this case or not.

7. It will appear that by Ext. M-8 the Civil Engineering Department, Sanatoria submitted the requirements of appointment of 2 Tracers for their department in technical Grade E and accordingly applications were invited for the said post. A committee was constituted for interviewing the candidates duly approved by the Managing Director. The committee selected the two concerned workmen S/Shri Mukherjee and Paul for appointment. It, however, appears that another applicant Sri Narayan Chandra Majee was working as a chairman and was an internal candidate was also found suitable but the committee recommended that he may be promoted as Tracer when vacancy arose. Ext. M-8 series give the details of the Departmental Promotion Committee who selected these two candidates for fresh appointment. From Ext. M-8 it is thus clear that the case of Sri Narayan Chandra Majee was not a fresh appointment but it was a case of promotion and he was admittedly promoted later on and was posted in the colliery but was given Grade D. As per said decision appointment letters Ext. M-1 and M-1/1 were issued to the concerned workmen on 12-2-75 giving the terms and conditions of service for putting them as Tracer in Grade E. By Ext. M-2 series the two concerned workmen joined the service and accepted the terms and conditions mentioned in their appointment letters. By Ext. M-3 dated 8-4-80 they were given promotion to technical Grade D from Grade E. Thus from these documents it is clear that the two concerned workmen were appointed as fresh recruits as Tracer in Grade E. The Wage Board recommendation has also placed the Tracers in Grade E. Besides that Ext. M-18 is the resolution of the J.B.C.C.L. constituted under N.C.W. A-II which has also put a Tracer in Grade E. The N.C.W. A-I and II are settlements arrived at between the management and all the majority trade unions of India and is binding on all the unions. Thus from all the above documents it is clear that the two concerned workmen were appointed as Tracers in Technical Grade E as fresh recruits and so apparently they were not given lower grade than what has been prescribed by the Coal Wage Board recommendation or the J.B.C.C.L. They also accepted the terms and conditions of service and from 1974 to 1980 they did not raise any objection. WW-1 who is one of the concerned workmen has no doubt stated that all other Tracers working in this department are in Grade D and it is contended on behalf of the union that for the same job there should not be two criteria of pay.

8. As against this the management has examine their Sr. personnel Officer, MW-1 and Dy. Personnel Manager, MW-2 who have stated that there has been no discrimination and the persons who are in Grade D at the head office are the work-

men working from before nationalisation and as they are taken over employees their pay and other employments were protected. In support of it they have filed the personal data of such employees which has been marked Exts. M-6 & M-7 series.

9. So far as Sri Narayan Chandra Majee is concerned it is admitted that he was an internal candidate. It is also not denied that he was given Grade D instead of Grade E. From Ext. M-8 referred to earlier it is clear that the case of Sri Narayan Chandra Majee was a case of promotion and not of fresh appointment. Now if the management gave him Grade D instead of Grade E, no discrimination was caused as he was an internal candidate having more experience in service and was a promotee. Thus it cannot be said that any discrimination was caused to the concerned workmen. The post was advertised and it was definitely clarified by the management that the post of Tracer was in Grade E. The two concerned workmen knowing fully well these facts applied for the same and got their appointment and they accepted their terms and conditions of service. Now at this stage after 7 or 8 years they cannot claim that they should have been given one higher grade at the time of their appointment. In fact they have got two promotions during this period i.e. from Grade E to D and again from Grade D to Grade C in 1983 for which documents have been filed. The management has also filed the Grade Scheme Ext. M-4 which prescribes the procedure of promotion.

10. Though the management has also challenged the locus standi of the union to raise the present dispute but it was not pressed at the time of argument nor any evidence has been let to the effect that the union has no locus standi there. The union, however, has examined WW-2 and has also filed the membership register Ext. W-4 and minutes of the meeting of the Executive Committee Ext. W-5 to show that the union has got locus standi.

11. Considering these, I hold that the action of the management in not placing the two concerned workmen in Technical and Supervisory Grade D from 21-2-74 and 18-2-74 as also in Technical and Supervisory Grade C from 1-4-80 together with payment of difference of wages is fully justified with the result that the concerned workmen are not entitled to any relief.

12. The award is passed accordingly.

I. N. SINGH, Presiding Officer
[No. L-19012(7)/81-D.IV(B)]

S.O. 992.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Bhanora Colliery of M/s. Eastern Coalfields Ltd., P.O. Choranpur, Dist. Burdwan and their workmen, which was received by the Central Government on the 29th February, 1984.

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NO 3, DHANBAD
Reference No. 75/82

PRESENT :

Shri J. N. Singh, Presiding Officer.

PARTIES

Employers in relation to the management of Bhanora Colliery of M/s. Eastern Coalfields Ltd., P.O. Chandra, Dist. Burdwan.

AND

Their workman.

APPEARANCES :

For the Employers—Shri N. Das, Advocate.

For the Workman—Shri S. K. Mazumdar, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 24th February, 1984

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-19012 (67)/82-D.IV(B) dated the 29th July, 1982.

SCHEDULE

"Whether the action of the Agent, Bhanora Colliery of M/s. Eastern Coalfields Ltd., P.O. Charanpur, Dist. Burdwan in superannuating Shri Sarju Routh Peon with effect from 3-9-1981 is justified? If not, to what relief the workman is entitled?"

2. The case of the workman is that he was appointed as a Peon in the year 1945 by the erstwhile management and at the time of appointment his date of birth in Form B register was recorded as 1928 and the same year also is mentioned in his identity card. He, however, received a notice dated 9-5-81 from the Agent, Bhanora Colliery intimating that he will retire from 3-9-81. He made a representation drawing attention of the management that in Form B register as well as in his identity card his year of birth was recorded as 1928 but he had been superannuated illegally. The workman also learnt that the management has relied on an alleged action of a Medical Board which suggested his date of birth as 1921 without any intimation to the workman. The workman drew the attention of the management that neither he was duly informed regarding the purpose of the alleged Medical Board nor the Medical Board was competent to change his date of birth and he also himself to Medical examination by competent Medical Board at Sanctoria Hospital but his prayer was not accepted and he was illegally and wrongfully retired on 3-9-81. It is submitted that he has not attained the age of superannuation and this order of the management is illegal and hence he should be deemed to be in service and he paid all back wages with continuity of service and further he should be regularized and reinstated.

3. It is admitted by the management that the concerned workman was appointed in 1945 and that in the Form B register and identity card his year of birth was recorded as 1928. It is, however, stated that after nationalisation the management found that in almost every coal mine there were a large number of workmen on the rolls most of whom were physically incapable to discharge their respective duties and as such the management took a policy decision for referring all such cases to the Medical Board set up for each region. Accordingly a Regional Medical Board was set up for considering the cases of several workmen of Bhanora Colliery and other adjoining collieries including the case of the concerned workman and an intimation was given to the Manager of Bhanora Colliery by a letter dated 20th/24th August 1976 and the manager was directed to refer such type of cases of his colliery to the said Board for necessary medical examination.

4. It is further stated that the cases of 32 workmen including the case of the concerned workman were sent from Bhanora Colliery to the said Regional Medical Board and after medical check up and examination the actual age of the concerned workman was assessed as 55 years on 3-9-76 though he was found fit for his duty. It is stated that an intimation regarding the result of the said medical examination was given to all including the concerned workman and the respective age was also rectified wherever necessary with the knowledge of the concerned workman. Further it is submitted that an identity card is kept in possession of a workman and it has no statutory importance and it was the duty of the workman concerned to get the age rectified in the identity card when the age had been corrected in Form B register. It is submitted that the workman did not raise any objection regarding the steps taken by the management for correction of his age. It is also submitted that the concerned workman has been rightly retired after attaining the age of 60 years.

5. The point for consideration is as to whether the action of the management in superannuating the concerned workman Shri Sarju Routh, Peon with effect from 3-9-81 is justified. If not to what relief is he entitled.

6. It is admitted that the concerned workman was appointed in the year 1945 and at that time in Form B register of the erstwhile management (Ext. M-1) his year of birth is recorded as 1928. According to the management's evidence a new Form B register was prepared after nationalisation and in this register also his age was recorded as 1928. This year of birth is also recorded in his identity card Ext. M-2. Ext. M-1/1 is the entry in Sl. No. 146 of the new Form B register of the present management. It also shows that his year of birth was recorded as 1928 originally and his thumb impression was taken on it. This clearly indicates that the management on the basis of old Form B register accepted the age of the concerned workman as 1928.

7. There was, however, a subsequent development in the year 1976. According to the case of the management it was found after nationalisation that there were several workmen on the rolls most of whom were physically incapable to discharge their respective duties and hence the management took a policy decision for referring all such cases to the Medical Board. On the basis of this policy decision a letter Ext. M-2 dated 20th/24th August, 1976 was issued by the Sub-Area Manager to the Manager, Bhanora Colliery intimating that a Regional Medical Board had been arranged on 3-9-76 in the office of the Sub-Area Manager and he was requested to send a list of persons to be examined by the Board well in advance and serve notices on the concerned persons to be present at the place in time. It was also intimated that genuine cases over the age dispute may also be sent to this Board for assessment of ages. Thus from these two documents it will appear that the purpose of the Medical Board was to examine the fitness or otherwise of certain workmen but along with the genuine cases of age dispute was also to be referred.

8. Ext. M-5 is the result of the Medical Board sent by the Sub-Area Manager to the Manager, Bhanora Colliery and it was directed that the persons who were found physically unfit should be discharged on medical ground. From the list given in Ext. M-5 it will appear that the Medical Board had mostly found unfit or fit the workmen referred to but only in three cases viz. regarding Sl. No. 6, 9 and 12 they also determined their age. There is no evidence to the effect that there was any dispute regarding the age of the concerned workman. Ext. M-4 is the medical report of the concerned workman which shows that he was found to be aged 55 years on 3-9-76 but he was found fit for duty. MW-2 is Dr. Pratap Chandra Panda who was one of the members of the Board and he stated that after examination he found the workman to be aged 55 years. He also given reasons for his finding. It is, however, stated by him that the assessment is approximate. On the basis of this report a correction was made in the Form B register regarding the age of the concerned workman and reference of the letter of the Sub-Area Manager has also been noted in it. The concerned workman in his evidence has stated that he was never informed that he was being sent to the Medical Board for ascertainment of his age. He has stated that he was told that he was sent for medical fitness only. The report of the Doctor no doubt bears the thumb impression of the concerned workman but it is stated by the Doctor that his thumb impression was taken only as a proof to show that he has been examined by the Medical Board. He has further stated that the concerned workman was not intimated by the Board that his age has been ascertained to be 55 years. Now if the management had any intention to change the year of birth of the concerned workman on the basis of the said medical examination then the proper course for the management was to issue a notice to the concerned workman and hear him before making any correction. It may be mentioned that new management also recorded the age of the concerned workman as 1928 on the basis of old Form B register. Form B register is a statutory document and is a main proof of the age of a workman and the employees in colliery are superannuated on the basis of age recorded in Form B register. The management after accepting the age of the concerned workman as 1928 should not have rectified it without hearing the concerned workman.

9. It is well settled in a ruling reported in 1981 Lab T.C. page 880 which is based on the ruling reported in AIR, 1967 S.C. 1269 that date of birth of an employee should not be corrected without giving an opportunity of hearing and without notice to the disadvantage and prejudice of the

employee. In this particular case the age of the concerned workman was altered without giving him any opportunity.

10. The management in their written statement has stated that an intimation regarding the result of the said medical examination was given to all the concerned workmen including Sri Routh and necessary corrections were made with the knowledge of Sri Routh. But there is no document to show that any intimation was ever given to the concerned workman or even any such notice was hung up on the notice board. Any correction in age was to the great prejudice of the concerned workman and therefore in such circumstances a notice should have been issued to him. MW-1 is the Sr. Personnel Officer of the management who has stated that the concerned workman was directed to produce his identity card for correction but he did not produce it. There is no document to support this fact. Further if any correction was made in Form B register then it was the duty of the management to call the concerned workman and take his thumb impression in proof of the fact that the concerned workman had been informed about this correction and then in that case the concerned workman would have taken further steps. It is the definite evidence of the Doctor MW-2 that the concerned workman was not informed about the finding of the Medical Board. There is also no proof of the fact that any intimation regarding the result of the Medical Board was ever sent to the concerned workman. In such circumstances it was highly improper for the management to alter the age of the concerned workman and superannuate him on ex parte report of the Medical Board.

11. It will also appear that when the concerned workman received notice of retirement he filed a representation Ext. W-1 before the management praying that he may be given a change to appear before a Medical Board constituted at Sanatoria so that his age can be determined. But the management did not take any action on it and retired him on the basis of the earlier medical report of which no intimation was ever given to the concerned workman nor he was given chance of being heard.

12. In such circumstances it must be held that the action of the management in superannuating the workman is illegal and unjustified.

13. The next question is regarding the relief. The concerned workman did not perform his duty since the date of his superannuation admittedly and in such circumstances he is entitled to be reinstated in service with half the back wages for the idle period. The management, if they so like, can get him freshly examined medically by duly constituted Medical Board and if it is found that he has attained the age of superannuation, necessary action may be taken but at this stage he must be reinstated within a month from the date of publication of award with half of back wages.

14. The award is passed accordingly.

J. N. SINGH, Presiding Officer
[No. I-19012(67)/82-D.IV(B)]

New Delhi, the 7th March, 1984

S.O. 993.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Sarubera Colliery of M/s. Central Coalfields Limited, P.O. Sarubera District Hazaribagh and their workmen, which was received by the Central Government on the 3rd March, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer,

Reference No. 34 of 1982

In the matter of an industrial dispute under S. 10(1)(d) of the I. D. Act, 1947

- PARTIES :

Employers in relation to the management of Sarubera Colliery of Central Coalfields Limited (Hazaribagh) and their workmen.

APPEARANCES :

On behalf of the employers—Shri R. S. Murthy, Advocate.

On behalf of the workmen—Shri B. B. Pandey, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, 29th February, 1984

AWARD

This is a reference under S. 10 of the I. D. Act, 1947. The Central Government by its order No. L-24012(25)/81-D.IV(B) dated the 31st March, 1982 has referred this dispute to this Tribunal for adjudication on the following terms :—

SCHEDULE

“Whether the action of the management of Sarubera Colliery of Central Coalfields Limited, Post Office Sarubera, District Hazaribagh in terminating the services of Shri Kaila Rabidas is justified? If not, to what relief is the workman entitled?”

The case of the concerned workman Shri Kaila Rabidas is that he was working as Pump Khalasi at Sarubera Colliery of M/s. Central Coalfields Ltd. and was being paid wages of Category II since long. He fell seriously ill since 1-8-80 while he was working in Sarubera Colliery and remained ill till 6-10-80. He had contacted T.B. As there was no arrangement for the treatment of such serious disease at the colliery level the concerned workman on the advice of the management and his well wishers got himself treated under a specialist at Chainpur. He had informed the management about his treatment by a private doctor. After being fully cured of the disease he reported for duty on 7-10-80 along with a medical certificate but the management did not allow him to join his duties and was told that he was dismissed from service. The workman did not receive any show cause before his dismissal. Thereafter he was regularly approaching the management for resumption of his duties but he was not allowed to join. He applied to the Labour Department and when no settlement was arrived at the present case was referred to this Tribunal.

The case of the management is that the concerned workman was employed as Fan Khalasi in Category II (daily rated). He started absents from duty w.e.f. 1-8-80 without any intimation to the management or permission. The management issued show cause notice dated 22/25-9-80 requiring the workman to submit his explanation within 7 days and to resume duty immediately. The workman failed to submit any explanation to the show cause notice and did not resume duty. After waiting for sufficiently long time and finding that the workman neither submitted his explanation nor resumed his duties, his services were terminated w.e.f. 11-11-80. Under the circumstances the workman concerned should be deemed to have lost his lien on his employment within the meaning of the Standing Orders application to the Colliery and loss of lien on appointment by the concerned workman was automatic and the employer was not required to issue an order notifying such loss of lien on appointment by the workman concerned. Absence from duty by the workman is also a mis-conduct under the relevant standing orders. The absence from duty in the manner prescribed above is admitted by the workman concerned and as such the mis-conduct in question also stands accepted by him. The management shall lead evidence to prove the mis-conduct of the workman. The workman never informed the management that he was suffering from T.B. Even during the course of conciliation proceeding which preceded this reference the workman did not state that he was suffering from T.B. It is incorrect to say that there is no proper arrangement for treatment of serious disease at the colliery level. The colliery has a well equipped dispensary manned by competent medical and para medical personnel. The Central Coalfields Ltd. to which the Sarubera Colliery belongs has well equipped Central Hospital at Ranchi with all types of medical facilities including indoor facilities for investigation and treatment of diseases of the employees and their family members. The company has also reserved beds at Ramkrishna Mission Sanatorium, Birla Sanatorium and Itki hospital at Ranchi for the treatment of employees suffering from T.B. The management had never advised the workman to go to a private specialist for his treatment. The management had no knowledge of the illness of the workman and his treatment by a private doctor. The workman

was required to intimate to the management about the reasons for his absence from his duty and should have applied for sanction of leave. The story of his illness is an after thought and has been fabricated. As the management had already terminated the services of the workman due to his absence from duty without any intimation or permission or reasonable cause, there was no question of allowing him to resume duty. The action of the management in terminating the services of the concerned workman is justified and he is not entitled to any relief.

The points for consideration are (1) whether the concerned workman should be deemed to have lost his lien on his employment within the meaning of Standing Order applicable to the colliery for his absence without leave.

(2) Whether the absence of the workman from duty is a mis-conduct and whether the management has been able to prove the charge of misconduct.

The case of the management is that the services of the concerned workman have been terminated due to his absence from duty without any intimation or permission or reasonable cause and that he should be deemed to have lost his lien on employment within the meaning of Standing Orders applicable to the Colliery. It is further stated that the loss of lien on appointment was automatic and the employers were not even required to issue an order notifying such loss of lien on appointment by the workman concerned. The case of the concerned workman, on the other hand is, that the termination of his services was illegal and unjustified as he did not receive any show cause from the management. MW-1 Shri Binoy Kumar, Asstt. Manager of Sarubera Colliery examined on behalf of the management has stated that the workman of Sarubera Colliery are governed by Model Standing Orders and that it is misconduct to absent without taking leave for more than 10 days. The parties have admitted that the workman of Sarubera Colliery are governed by Model Standing Orders for industrial establishment in Coal Mines. Clause 10(e) of the said standing orders does not appear to be applicable in the case of the concerned workman. It is applicable if a workman remains absent beyond the period of leave originally granted or subsequently extended and in that case the workman shall lose lien on his appointment unless he returns within 10 days of expiry of his leave and explains to the satisfaction of the Manager his inability to return on the expiry of his leave. In the present case the concerned workman had not taken any leave, and as such clause 10(e) which applies to the workmen who remain absent beyond the period of leave originally granted or subsequently extended is not applicable. However, it appears that the case of the concerned workman will be covered under Clause 10(g) of the Model Standing Orders. Clause 10(g) of the Model Standing Orders provides "Notwithstanding anything mentioned above, any workman who overstays his sanctioned leave or remains absent without reasonable cause will render himself liable for disciplinary action." According to the case of the management the concerned workman had absented without any application for leave and without any reasonable cause and as such the concerned workman may be proceeded for disciplinary action and it does not appear that he shall lose lien on his appointment without a valid disciplinary action. Clause 17 of the Standing Orders enumerates misconduct and disciplinary action for the same. Under Clause 17(n) of the Standing Orders it will appear that continuous absent without permission and without satisfactory cause for more than 10 days is a misconduct and the workman is liable for disciplinary action if such contingencies arise. The services of the concerned workman can be terminated only after disciplinary action taken against him and the concerned workman cannot be deemed to have lost his lien on his appointment within the meaning of the Standing Orders applicable to the Colliery for his absence without leave. I hold, therefore, that the concerned workman did not lose his lien on his employment within the meaning of the Model Standing Orders.

I have held above that the concerned workman has not lost his lien on his employment within the meaning of the Model Standing Orders. It was submitted on behalf of the management that although the management did not hold a proceeding for disciplinary action for misconduct against the concerned workman, he is entitled to lead evidence before the Tribunal to establish the misconduct against him. It has been held in several decisions that in Industrial ad-

judication the order of dismissal which was made without proper and fair enquiry by the management may be set aside subject to this that where no enquiry has been held, the employer would have an opportunity of establishing its case for the dismissal of the workman by adducing evidence before the Tribunal. The management therefore, has led evidence before the Tribunal giving reasons for the dismissal of the concerned workman. MW-1 Shri Binoy Kumar who is an Asstt. Colliery Manager has stated that the concerned workman Shri Kaila Rabidas was working as Pump Khalasi who was absent from duty since August, 1980 without filing any application for leave. Admittedly the concerned workman was absent from 1-8-80 to 6-10-80. MW-1 has proved letter Ext. M-1 which was sent by the management to the concerned workman under the signature of the Project Officer-cum-Agent of Sarubera Colliery. The said letter was sent under Registered Post Ext. M-2 is the receipt granted by the Post Office in respect of the despatch of the letter to the concerned workman. Ext. M-3 is the A/D Slip which was received by the management through the Post Office showing delivery of the letter. It will appear from A/D slip Ext. M-3 that the letter which was sent by the management was not personally received by the concerned workman but was received by one Shri Iswar Ram on 5-11-80. It is, therefore, stated on behalf of the concerned workman that the letter sent by the management did not reach the concerned workman and was received by some other man. It will thus appear from Ext. M-3 that the Regd. letter was not received by the concerned workman.

Ext. M-4 is the dismissal order dated 11-11-80 and there is no denial of the fact that the management had passed order of dismissal of the concerned workman.

WW-1 is the concerned workman Shri Kaila Rabidas. He has stated that he fell ill from 1-8-80 to 6-10-80. He has stated that there was no good arrangement for treatment in the dispensary of Sarubera Colliery at that time and hence he got himself treated privately by a doctor at Chainpur. He has further stated that he had informed the Manager of the Colliery that he was under the treatment of a private doctor at Chainpur. He has stated that after recovery from illness he met the Manager on 7-10-80 and produced medical certificate of the doctor who had treated him. He was told that he had been dismissed from service. In his evidence he has stated that the management did not give him any notice regarding the enquiry. He has admitted in his cross-examination that he had not filed any petition for leave before proceeding on leave on 1-8-80. He, however, had stated that he filed a petition for leave on 2-8-80 when he had personally gone to the colliery with the application for leave which, obviously, is a false statement established by his own document Ext. W-1. It will appear from the case of the concerned workman that he had filed a petition before the Manager of Sarubera Colliery through the Medical Officer Sarubera Colliery on 7-10-80. It will appear from this very petition Ext. W-1 that he was absent from duty from 1-10-80 to 6-10-80 due to sudden illness and that he could not give any information regarding the same to the Office. It is stated by him that this is his first mistake and as such he should be allowed to join his duties on 7-10-80 after excusing his first mistake. It is, therefore, clear that the concerned workman had not filed any petition for leave during the period from 1-8-80 to 6-10-80 and he absented himself without any application and without informing about the cause of his absence to the management.

WW-1 in his cross-examination has stated that he had gone to the Colliery on 2-8-80 to file his application for leave but he did not go for his treatment in the dispensary of the Colliery. A suggestion was made to him that he was not ill and as such he did not go for treatment in the dispensary of the colliery. He has stated that the workmen are treated free of cost in the Colliery dispensary and that when a workman is seriously ill he is sent to the hospital at Gandhinagar or at Central Hospital, Dhanbad. The workman has given no satisfactory reason as to why he did not go to the colliery dispensary for his treatment where he would have been treated free of cost and in case of his serious illness he would have been sent to better hospital at Gandhinagar and Dhanbad. He has stated that he had made payment to the private doctor for the treatment of his disease but he did not remember the name of the doctor who had treated him. He has admitted that Chainpur is a village where the doctor who had treated him resided.

It is apparent that a village Doctor at Chainpur could not give a better treatment to the workman as in the colliery dispensary or the hospitals at Ghandhinagar and Central Hospital Dhanbad. The workman has neither examined the said doctor of Chainpur nor has filed any medical certificate in proof of the fact that he was ill from 1-8-80 to 6-10-80. The fact that he does not remember the name of the Doctor shows that he had not got himself treated by any Doctor at Chainpur. He has, no doubt, stated that he had filed the prescription and the Medical Certificate in the office of the colliery. Even if he had filed any medical certificate or prescription in the office of the Colliery and he did not possess the same, he could have examined the Doctor from whom he claims to have got himself treated. In his cross-examination he has stated clearly that he has no proof of the fact that he had met the Colliery manager and had filed papers before him on 7-10-80. In my opinion the workman has not been able to establish his illness which is stated to be the cause of his absence from work. The management has been able to show that the concerned workman was absent from duty from 1-8-80 to 6-10-80, without any permission. It will appear from the case of the workman that he was ill for a period of more than two months but even then he did not file any petition for leave on the ground of his illness. In my opinion the management has been able to prove the continuous absence of the concerned workman without permission and without any satisfactory cause for more than 10 days and as such the management has been able to prove the misconduct and accordingly he was liable to be dismissed by way of punishment. I hold, therefore, that the absence of the concerned workman from duty is a misconduct which charge the management has been able to prove.

Taking the entire facts, evidence and circumstances of the case into consideration, the action of the management of Sarubera Colliery in terminating the services of Shri Kaila Rabidas is justified and the workman concerned is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-24012(25)/81-D.IV(B)]

S.O. 994.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Sarubera Colliery of Central Coalfields Limited, P.O. Sarubera, District Hazaribagh and their workmen, which was received by the Central Government on the 3rd March, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 33 of 1982

PARTIES :

Employers in relation to the management of Sarubera Colliery of Central Coalfields Ltd., P.O. Sarubera Distt. Hazaribagh and their workmen.

APPEARANCES :

On behalf of the employers—Shri R. S. Murthy, Advocate.

On behalf of the workmen—Shri B. B. Pandey, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 27th February, 1984

AWARD

This is a reference under S. 10 of the I. D. Act, 1947. The Central Government by its order No. L-24012(27)/81-D.IV(B) dated the 30th March, 1982 has referred this dispute to this Tribunal for adjudication on the following terms :—

SCHEDULE

“Whether the action of the management of Sarubera Colliery of Central Coalfields Ltd., P.O. Sarubera,

Distt. Hazaribagh in terminating the services of Shri Bona Viswakarma is justified? If not, to what relief is workman entitled?”

The case of the concerned workman Shri Bona Viswakarma is that he was working as piece rated worker at Sarubera Colliery of M/s. Central Coalfields Ltd. since long. He fell sick on 27-4-76 and was being treated for his illness at Sarubera Colliery dispensary. He was treated there from 27-4-76 to 8-5-76. As he did not get any improvement dues to poor arrangement in the Colliery dispensary, he went for his medical treatment under a private medical practitioner for his early recovery. He had undergone a medical treatment under a private practitioner on the advice of the management and his well wishers and the management had full knowledge of his treatment by a private doctor. The workman had also asked for leave while he was under treatment of a private doctor. He also used to inform the management about his treatment during the period from 9-5-76 to 18-12-76. After being cured the workman reported for duty alongwith medical certificate on 19-12-76 but he was not allowed to resume his duties. He approached the management several times for allowing him to resume his duties but he was not allowed. The termination of his services was illegal and unjustified, and he claimed for his reinstatement in services with full back wages and other benefits from 19-12-76.

The case of the management is that the workman was employed as piece rated worker in Sarubera Colliery. He fell sick w.e.f. 27-4-76 and was treated from the Colliery hospital at Sarubera and was also granted sick leave by the management till 8-5-76. Thereafter the workman did not either report to the hospital for treatment or for duty in the colliery. He started absenting without any intimation to the management and absented without any permission or satisfactory cause. He did not send any application for further leave to the management indicating the reasons for his absence. The management waited for sufficiently a longtime but there was no intimation or communication from the workman and as such the management finally issued an order on 26-8-76 declaring that the workman concerned ceased to be in the employment in the colliery. In the facts and circumstances of the case the concerned workman had lost the lien on his appointment and automatically ceased to be in the services of the colliery as per the provisions of the Standing Orders applicable to the Colliery. Since the workman concerned had proceeded on leave which was sanctioned by the management and thereafter he failed to return to duty within 10 days of expiry of his leave and also failed to explain to the satisfaction of the management of the colliery his inability to return on the expiry of his leave, the loss of lien on his appointment was automatic in terms of the provisions of the relevant standing orders. Loss of lien means loss of employment involving termination of services of the workman. The absence of the workman from duty in an unauthorised manner is a misconduct under the provisions of the Standing Orders and was liable to be dismissed by way of punishment. The management will lead the evidence to establish the misconduct of the workman during the hearing of the case. The action of the management in terminating the services of the workman is justified and he is not entitled to any relief.

The points for consideration are whether the concerned workman should be deemed to have lost his lien on his employment within the meaning of Standing Orders applicable to the colliery for his absence without leave.

Admittedly the concerned workman was sick from 27-4-76 to 8-5-76 and was being treated for his illness at Sarubera colliery dispensary. The management has accepted the said illness and had granted leave to the concerned workman for the said period. MW-1 has stated that the concerned workman did not apply for leave after 8-5-76 and did not resume duties and as such the services of the concerned workman were terminated vide order Ext. M-1 dated 2-8-76. MW-1 has further stated that Sarubera Colliery is governed by Model Standing Orders for Industrial Establishment in Coal Mines. The case of the management is that since the workman concerned failed to return to duty within 10 days of the expiry of his leave and also failed to explain to the satisfaction of the Manager of the Colliery his inability to return on the expiry of his leave and as such the loss of lien on his appointment was automatic in terms of the provisions of the relevant Standing Orders. Clause 10(e)

of the Model Standing Orders for industrial establishment applicable in Coal Mines provides that if a workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his appointment unless he (a) returns within 10 days of expiry of his leave and (b) explains to the satisfaction of the manager his inability to return on expiry of his leave. The management asserts that the services of the concerned workman were terminated under above clause of the Standing Orders and the workman lost his lien.

The workman MW-1 has stated in his evidence that he fell ill and what treated in the Colliery dispensary at Sarubera from 27-4-76 to 8-5-76. He has further stated that he was not fully cured but the Doctor of Sarubera Colliery told him to join work and to have some medicines in the meantime unless fully cured and thereafter the workman got himself treated by a private Doctor from 9-5-76 to 18-12-76. It will thus appear from the evidence of WW-1 himself that he was asked by the Doctor of Sarubera Colliery to join work and to continue medicines which means that he was fit to join his duties and was to take some medicines and he was not so sick so as to absent himself from work. Thus his absence since 9-5-76 does not appear to be for any valid cause.

WW-1 has stated that he got himself treated by a private Doctor named Dr. T. Mishra of Ramgarh from 9-5-76 to 18-12-76 and that after his recovery the Doctor gave him medical certificate of fitness. He has further stated on 19-12-76 that he met the Colliery Manager along with medical certificate for joining duties but he was told by the Colliery Manager that the services had been terminated and he was not allowed to work. In his cross-examination he has stated that he has no paper to show that the Doctor had asked him to take medicine from outside. He has also stated that he has no proof with him that he had filed petition and medical certificate before the management of the Colliery. The workman has not exhibited any valid medical certificate of Dr. T. Mishra of Ramgarh to show that he was ill and was under his treatment from 9-5-76 to 18-12-76. It is stated in the Written Statement filed on behalf of the workman that as the concerned workman did not get any improvement in his health due to very poor arrangement in the colliery dispensary, he had to undergo medical treatment under a Private practitioner to get the desired result. It will appear from evidence of WW-1 that Ramgarh is about 18 K.M. from Sarubera Colliery and Kuju is only about 12 K.M. from Sarubera Colliery and that good doctors are available at Kuju. The doctors named by the workman is not such a Specialist that he had gone to Ramgarh which is at a more distance than Kuju where good doctors are available. Even the doctor who had examined the workman has not deposed in this case to show that the workman was ill and was under his treatment from 9-5-76 to 18-12-76. WW-1 has stated that the doctor of Sarubera Dispensary had told him to have some medicines from outside but there is no paper to show that the doctor of Sarubera Colliery Dispensary had advised him to take medicines from outside. Moreover, from the evidence of the workman it appears that the doctor of Sarubera dispensary had advised him to join the work but the workman did not join the work. MW-1 has stated that in case of serious illness the workman of Sarubera Colliery are sent from the dispensary to Gandhinagar Hospital at Central Hospital CCL Ranchi or Central Hospital, Dhanbad where the treatment is free. Even inspite of such a facility available, to the workman, it is strange that he chose a doctor of a remote place for his treatment although the Doctor of Sarubera Dispensary had asked him to join his work. There is absolutely no evidence on record to show the justification of the absence of the workman from 9-5-76 to 18-12-76. In my opinion, the workman has not at all given satisfactory evidence for the absence from 9-5-76 to 19-12-76.

The concerned workman was admittedly granted leave from 27-4-76 to 8-5-76. WW-1 has not stated in his evidence that he had applied for leave from 9-5-76 to 18-12-76. He has not adduced any evidence to show that the concerned workman had undergone medical treatment under a private practitioner at the advice of the management and that the management had full knowledge of his treatment and cause of his absence. Although he has stated in his Written statement that he used to inform the management frequently about his treatment during the period from

9-5-76 to 18-12-76, there is no evidence to show that he had ever informed the management about his illness or treatment by a private doctor after 8-5-76. It is stated in his written statement only that after being fully cured, that he reported to the management for joining his duties along with medical certificate on 19-12-76 but he was not allowed to resume his duties. Thus it is clear that prior to 19-12-76 he had not filed any petition for leave on the ground of his illness. On the above evidence the case of the concerned workman is fully covered under clause 10(e) of the Model Standing Orders for Industrial establishment in Coal Mines. The concerned workman absented beyond the period of leave originally granted to him and did not return for duties within 10 days of his leave (i.e. 10 days from 8-5-76) and had not explained his inability to return for duty on the expiry of his leave to the satisfaction of the Colliery Manager. When this Standing Orders provides that workman will lose his lien of his appointment in case he does not join his duties within 10 days of the expiry of his leave, it obviously means that the services are automatically terminated on the happening of the above contingency and he cannot continue in service after he has lost his lien on the appointment. Once the workman loses his lien on his appointment, he loses his appointment. I am, therefore, of the opinion that the concerned workman's services stood automatically terminated as he did not appear within 10 days after the expiry of his leave on 8-5-76.

In view of the above the action of the management of Sarubera Colliery in terminating the services of the concerned workman appears to be quite justified. Consequently the concerned workman is not entitled to any relief. However, the management shall keep the concerned workman on the badli list.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-24012(27)/81-D.IV(B)]

New Delhi, the 8th March, 1984

S.O. 995.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of Parascole Colliery of M/s. Eastern Coalfields Limited, P. O. Bahula, District Burdwan and their workmen, which was received by the Central Government on the 3rd March, 1984.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

Reference No. 49 of 1982

PARTIES :

Employers in relation to the management of Parascole Colliery of M/s. ECL;

AND

Their Workman.

PRESENT :

Mr. Justice M. P. Singh.—Presiding Officer.

APPEARANCES :

On behalf of Employers.—Mr. R. S. Murthy, Advocate.

On behalf of Workman.—Mr. S. Roy, Advocate.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(37)/82-D. IV(B) dated 28th May, 1982 the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the Agent, Parascole Colliery of Messrs Eastern Coalfields Limited, Post Office Bahula, District Burdwan in dismissing Sri Radan Majhi with effect from 22nd July '81 is justified. If not, to what relief is he entitled?"

2! At the hearing a preliminary objection was raised by the union that the domestic enquiry was in violation of the principles of natural justice and hence it was vitiated. Firstly it was argued that the concerned workman Badan Majhi was not allowed to take the help of a co-employee at the enquiry in spite of the known fact that he was illiterate. It was submitted that there is not a whisper in Ext M-3 the enquiry note that he should bring a co-worker and that the enquiry officer also has not recorded in his proceeding as to whether the concerned workman should bring a co-worker for his defence. Learned Counsel relied on Board of Trustees, Port of Bombay v Dilip Kumar, 1983 Lab. IC 419 : 1983-1 LLJ 1 (SC) in which Desai J observed :

"In our view we have reached a state in our onward march to fair play in action that where in an enquiry before a domestic tribunal the delinquent officer is pitted against a legally trained mind if he seeks permission to appear through a legal practitioner the refusal to grant this request would amount to denial of reasonable request to defend himself and the essential principles of natural justice would be violated." The same view was again affirmed in the case of Bhagat Ram v. State of H. P., AIR 1983 SC 454 : (1983 Lab. IC 662)."

In my opinion that decision has no application to the facts of this case. Here the concerned workman never requested for the assistance of a co-worker. It was never refused. The enquiry was held only in one day, that is on 14 July 1981. The enquiry proceeding is Ext. M-4 and the enquiry report is Ext. M-5. It shows that the Colliery management's representative G. P. Singh was examined on behalf of the management. There was no one else on behalf of the management. G. P. Singh was an attendance clerk. The issue in the case was a simple one. The only issue of fact was whether the concerned workman Badan Majhi was absent from September 1978 and whether he continued to remain absent for more than 2 years. This fact was admitted by the concerned workman. Here also that fact has been admitted before this tribunal. In the written statement and in evidence also that fact has been admitted. Badan Majhi refused to cross-examination G. P. Singh. The statement of Badan Majhi was also recorded by the enquiry officer. He said that he was mentally sick and so he could not send information. In Ext. M-3 the enquiry notice he was asked to bring defence witness if any. He did not examine any defence witness. The standing order Ext. M-10 does not say that the management must ask him to bring his co-worker for his assistance. It simply says that the workman may take the assistance of a co-worker or any office bearer of the Union to help him in the enquiry if he so desires. As already stated the concerned workman never expressed his desire for having the assistance of any co-worker. It was an ordinary case of continued absence for more than 2 years and the fact of absence was admitted. It appears to me that for that reason Badan Majhi may not have desired to bring any co-worker during the domestic enquiry. In his evidence here Badan Majhi has no doubt stated that he requested the enquiry officer to allow him to take the help of a co-worker and that he was not allowed to do so but I am not inclined to believe his evidence. The enquiry proceeding does not support it. MW-1 A Pravakar the Enquiry Officer has deposed that the concerned workman did not make any request before him for taking any assistance of any co-worker. There is no good reason to disbelieve him. The point thus has no force. It was next contended by Sri Roy that the enquiry Officer refused to accept the medical certificate produced by the workman at the time of the enquiry. This submission also has no substance. The enquiry officer (MW-1) has clearly said in his cross-examination that no medical certificate was produced before him. His enquiry report (Ext. M-5) reveals that Badan Majhi had sent a medical certificate along with his reply to the charge-sheet but that certificate contained no signature or seal and so it was not accepted. In their rejoinder dated 26 April 1983 the Union took several other preliminary objections viz that the proceedings were recorded in English, that the workman was not given opportunity to cross-examination the Company's witness, and that he was not allowed to give statement in his defence. But all these points are without any merit. The enquiry officer has said that he explained the statement in Hindi and that he was given opportunity to cross-examine the management's witness but the workman refused to cross-

examine. The enquiry officer has further said that he recorded the statement of the concerned workman. There is thus no force in these objections. Moreover, as already stated, absence was admitted by the concerned workman though according to him it was due to illness. However I do not find any violation of natural justice in the domestic enquiry held by the management. I accordingly hold that the domestic enquiry (Ext. M-4) held on 14-7-81 was fair and proper and the finding of the enquiry officer (Ext. M-5) that he was guilty or absconding for a period of more than 2 1/2 years without information to the management is not vitiated for the alleged grounds aforesaid.

3. The next question to be determined is whether on the materials on record the order of dismissal (Ext. M-7 dt. 21/2-7-1981) passed by the management is justified and if so whether the punishment is proper? In my opinion the answer should be 'yes'. Admittedly he was absent from duty for about 3 years (2 years 9 months). The absence was unauthorised throughout. The management issued charge-sheet on 6 June 1981 and asked for explanation. Then Badan Majhi obtained a medical certificate (Ext. W-1) on 23 June 1981 from a private doctor D. D. Ghatak of Asansol and thereafter he showed cause (Ext. M-2) which was received by the management on the same day (23-6-1981). A typed copy of the medical certificate (Ext. W-1) was attached therewith. He took the plea of illness. In my opinion the story of illness is not acceptable. As per medical certificate (Ext. W-1) he was suffering from depression and insomnia and he was under the treatment of the doctor from 17 September 1978 to 22 June 1981. The medical certificate clearly appears to be collusive. In it, it is written "At that he could not remember his post, so he failed to produce any medical certificate." To me this writing in Ext. W-1 is unnatural. It shows that the doctor has tried to help him. It was not his business to say so in the certificate. Another thing to be noted is that all words written in the medical certificate (Ext. W-1) are legible but when the doctor wrote some words after the expression 'depression and insomnia' it is not legible. The learned counsel reads them as 'was under my treatment' but he has not clearly written these words, perhaps his conscience was biting him at that time when he was writing about the period of his illness from 17-9-1978 to 22 June 1981. In his show cause to the charge he was ill from October 1978 but in the medical certificate the period is from 17 September 1978. It may be noticed that the charge-sheet (Ext. M-1) mentions that Badan Majhi had only 12 days attendance in the month of September 1978. It seems to me that Badan Majhi or some one for him must have got it mentioned, in the medical certificate, the date of commencement of illness from 17 September 1978 for that reason but this was forgotten when the reply (Ext. M-2) was being written. No prescription of medicine has been filed. No cash memo showing purchase of medicine has been filed. In his evidence Badan Majhi has said that no prescription was given to him. That is unbelievable. He has further said that medicine was supplied by the doctor and so there was no cash memo. Such cheap evidence cannot be accepted. The doctor has not been examined. He was not treated in the hospital of the Colliery. The plea taken by him that it was at a distance of 20 to 25km, is not impressive. There is no other document to prove illness for more than 2 years except the suspicious medical certificate (Ext. W-1) obtained as 23-6-1981. In my opinion the plea of illness is totally false. If he was ill, why he did not send any application informing the management about his illness. In his evidence he says that he had informed the management about it through Girish Majhi (WW-2) but they are of different villages. The fact of this case show that it is untrue. He stated before the enquiry officer (see Ext. M-4 the enquiry proceeding dated 14 July 1981) that being mentally sick he could not send any information to the management. In the union's letter (Ext. M-11) dated 19-11-1981 it is written that no information was sent about the illness to the management. Admittedly no information in writing was sent to the management. That is admitted by Badan Majhi himself. In the failure report of the enquiry officer (Ext. M-8) dated 26-2-1982 it is mentioned that no information was sent to the management. I am not, therefore, inclined to swallow the story of verbal information as spoken to by WW-2 Girish Majhi. I disbelieve the story of illness as well as the story of verbal information to the management. Thus it is clear that Badan Majhi left his service. It is a case of abandonment of service. He ceased to be in the employment of the Colliery on account of his continuous unauthorised absence

for 2 years and 9 months. An inference of abandonment of service can legitimately be drawn from his long continued absence without permission and without any reason. I do not think it necessary to discuss the various rulings cited by Sri Murthy for the management.

4. Sri Roy argued that the management did not consider the past clean service of the concerned workman before awarding the maximum punishment. He referred to clause 17(4) of the Standing Orders for Parascole Colliery which provides that in awarding punishment the authority concerned shall take into account the gravity of the misconduct, the previous record if any, of the concerned workman and also any other extenuating or aggravating circumstances that may exist. He contended that for non-compliance with the provisions of clause 17(4) the order of dismissal is illegal. He relied on workmen of the Cochin Lighterage Corporation v. Paul abrao, 1974 (2) LLJ 206. But that was a case U/s. 33-2(b) in a proceeding of which the industrial tribunal does not go into the details of the enquiry as a court of appeal nor on the question of quantum of punishment. In that case the concerned workman had impersonated someone else for the purpose of getting coupons from the canteen manager. That was not a case of abandonment of service wherein the employer can record removal even without holding any enquiry against the workman. So that case is distinguishable. Learned Counsel also referred to the case of Union of India v. Sardar Bahadur, 1972 (1) LLJ 1 but the facts of that case are totally different and it has no application to this case. Learned Counsel also referred to the decision in Ramakanta Misra v. The State of UP & Others, 1982 (2) LLJ 472 in which Hon'ble the Supreme Court observed that merely the use of improper and abusive language on one occasion unconnected with any subsequent positive action and not preceded by any blame-worthy conduct during the period of 14 years service did not permit an extreme penalty of dismissal from service. It is clear that the observation is based on the facts of that case. As held in Sheo Sampat Lal v. State of U.P., 1983 Lab. IC 324 (All) (a case of dismissal from service) the fact that his record for last 10 years was clean would in the circumstances be of no consequence. Learned Counsel also referred to the case of Management of Hindustan Machine Tools Ltd. Bangalore v. Modh Usman, 1983 Lab. IC 1739(1) in order to show that the Supreme Court did not interfere with the order of the Labour Court which reduced the punishment of termination of service to only stoppage of increment. Suffice to say that punishment will depend on the facts of each case. In the present case, I think, the punishment of dismissal is proper and it requires no interference.

5. It was next contended that by Sri Roy no competent authority has passed the order of dismissal. He argued that if the order is not passed by a competent authority, it is null and void. He relied on Hindustan Brown Boveri, Ltd. v. Their workmen, 1968(1) LLJ 571 (SC) and Delhi Transport Union v. BBL Hatelay, 1973 (1) LLJ 76(SC). That position of law is not in doubt. Let us see whether in the present case the order was passed by an incompetent authority. Ext. M-7 is the order of dismissal dated 21 July 1981 passed by S. P. Srivastava, Agent Parascole Colliery. It clearly states that "the competent authority has ordered you dismissal from service. Accordingly you are dismissed from service with immediate effect". Ext. M-6 is a request letter dated 17 July 1981 sent by the said Agent to the General Manager for according his approval for his dismissal. Enquiry report and connected papers also were sent along with the request letter. The General Manager Kaiora Area Mr. A. N. Singh accorded his approval (see MW-1). In the circumstances it cannot be said that dismissal was by an incompetent authority. I may also mention that in the written statement no such point was taken. In their rejoinder the union has vaguely challenged the competency of the authority to dismiss him. No details or reasons have been mentioned. Even the concerned workman (WW-1) has not challenged it in his evidence. I hold that the dismissal order was passed by the competent authority. The point has no merit. The contention is rejected.

6. Sri Roy next contended that Sec 9 of the Employment (Standing Order) Act, 1946 was not complied with. Suffice to say that this point also was not taken in the written statement nor in the rejoinder of the union. There is also no evidence on this point. The contention is rejected.

7. It was also urged by Sri Roy that the employer did not give Badan Majhi three clear days' notice of the intention of the management to conduct the enquiry and hence the enquiry was vitiated. He relied on The Management of Travancore Titanium Products Ltd. v. Their workmen, 1970-II (LLJ 1 (SC)). The contention has no substance. Charge-sheet dt. 6-6-1981 was issued to Badan Majhi, explanation was called for within seven days as to why disciplinary action should not be taken against him. He showed cause on 23-6-1981. Then by letter dated 7-7-1981 he was informed that he had to attend enquiry on 14-7-81 at 9 A.M. I do not find any infirmity in it. Moreover, this point also was not taken either in the written statement or in rejoinder or in evidence. The point thus has no force.

8. In the result my concluded award is that the action of the management, Parascole Colliery of the ECL, Post Office Bahula, District Burdwan in dismissing Sri Badan Majhi w.e.f. 22 July 1981 is justified. It follows that the concerned workman Badan Majhi is not entitled to any relief.

Dated, Calcutta.

The 18th February, 1984.

M. P. SINGH, Presiding Officer
[No. L-19012(37)/82-D.IV(B)]

New Delhi, the 8th March, 1984

S.O. 996.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta in the industrial dispute between the employers in relation to the management of Parbelia Colliery (R) of Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on the 3rd March, 1984.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL. CALCUTTA

Reference No. 8 of 1983

PARTIES :

Employers in relation to the management of Parbelia Colliery (R) - of ECL;

AND

Their Workmen.

PRESENT :

Mr. Justice M. P. Singh.—Presiding Officer.

APPEARANCES :

On behalf of Employers.—Mr. B. N. Lala, Advocate.
On behalf of Workmen.—Absent.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(154)/82-D. IV(B) dated 13 January, 1983, the Government of India, Ministry of Labour and Rehabilitation, Department of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Agent, Parbelia Colliery, Messrs Eastern Coalfields Limited, Post Office, Neutoria (Purulia), in not paying proper wages of grade-D to Shri Dhiraj Singh, Pipeline Supervisor of Ranipur Unit is justified? If not, to what relief the workman is entitled and from what date?"

2. The case has been heard ex-parte. The Union has not appeared. Sri B. N. Lala, appearing for the management contended that it has now become a case of 'no dispute' and that even on merit the union has no case. I think, he is right. The Union did not appear in spite of notices received by it on any of the dates fixed in the case. It did not appear on 23-3-1983, 10-5-83, 14-6-83, 22-7-83, 30-8-83, 11-10-83, 24-11-83, 3-1-84 and on 17-2-1984. Even the

concerned workman did not appear on any of these nine dates. Hence a reasonable inference can safely be drawn that neither the union nor the concerned workman Dhiraj Singh the pipeline Supervisor of Ranipur Unit of the Parbelia Colliery is interested in the dispute. It has not filed written statement or a rejoinder or even any petition for the progress of the case. So Mr. B. N. Laha is right in his submission that a 'no dispute' award may be passed. His alternative argument that the union has no case is also correct. The concerned workman wants wages of grade D. He was in grade F under the old company. The Government Company has maintained that grade. There is no grade D in the Wage Board recommendation for watch and ward department. The NCWA-I, II or III has not altered any of the grades of the watch and ward department as laid down by the Wage Board. The concerned workman is a taken over employee and he was getting grade F wages in the old company. The management has produced his service card (Fxt. W-1) and has examined one witness J. N. Misra (MW-1) to prove its case. I see no reason to reject the case of the management even on merit. However in the above circumstances, I hold that no industrial dispute now exists.

3. In the result I hold that no industrial dispute now exists and accordingly a 'no dispute award' is passed.

This is my award.

Dated. Calcutta.

The 18th February, 1984.

Sd/-

M. P. SINGH, Presiding Officer
[No. L-19012(154)/82-D. IV(B)]
C. D. BHARDWAJ, Desk Officer

नई दिल्ली, 14 फरवरी, 1984

आदेश

कां.आ. 997.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में सिंगरैनी कोलियरीज कं. लि., कोठागुडियम के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है,

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम. श्रीनिवास राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है ?

अनुसूची

"क्या मैं सिंगरैनी कोलियरीज कं. लि. कोठागुडियम के प्रबंधन की 5 बी स्क्वाइर में लिपिक ग्रेड-I, श्री बी. पी. पंडुरंगा राव की 9 दिसंबर, 1982 से सेवाएं समाप्त करने की कार्यवाही न्यायचित है यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का और किस तारीख से हकदार है?"

[सं.एन.-22012/101/83-डी-3(बी)]

New Delhi, the 14th February, 1984

ORDER

S.O. 997.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Singareni Collieries Co. Ltd., Kothagudum and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby constitutes an Industrial Tribunal of which Shri M. Srinivasa Rao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication the said Tribunal.

SCHEDULE

"Whether the action of the management of Messrs Singareni Collieries Company Ltd., Kothagudum in dismissing from their service Shri V. P. Panduranga Rao, Clerk Grade I, 5B incline, with effect from 9th December, 1982 is justified? If not, to what relief is the workman concerned entitled and from what date?"

[No. L-22012/101/83-D. III(B)]

नई दिल्ली, 25 फरवरी, 1984

आदेश

कां.आ. 998.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में श्री राजेश कुमार, पत्थर खदान, बादी तालुक मंगरोल, जिला सुरत के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है ;

अतः केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित है जिसके पीठासीन अधिकारी श्री जी. एस. बरोत होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या संबंधित कर्मचारों की निम्नलिखित मांगें न्यायोचित हैं? यदि हां, तो वे किस अनुतोष के हकदार हैं?

1. महंगाई भत्ते के रूप में विशेष भत्ते का भुगतान
2. लेखा वर्ष 1980, 1981 तथा 1982 के लिए 20 प्रतिशत की दर से बोनस का भुगतान।
3. जिन कर्मचारों ने सेवा के 90 दिन पूरे कर लिए हैं, उन्हें स्थायीकरण का लाभ देना।
4. वर्षा ऋतु के दौरान जब खान बंद होती है, प्रतिधारण भत्ते का भुगतान।
5. उपकर का भुगतान।

[सं.एन.-29011/66/83-डी-3(बी)]

New Delhi, the 25th February, 1984

ORDER

S.O. 998.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Shri Rajesh Kumar, Stone Quarry, at Badi, Taluka Mangrol Dist. Surat and their workmen in respect of the matters specified in the Scheduled hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constituted an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the following demands of the workmen concerned are justified? If so, to what relief are they entitled?

- (i) Grant of special allowance in the form of Dearness Allowance.
- (ii) Payment of bonus at the rate of 20 percent for the accounting years 1980, 1981 and 1982.
- (iii) Grant of benefit of permanency to those workmen who have completed 90 days' service.
- (iv) Payment of Retaining Allowance during the rainy season when the mine is closed.
- (v) Payment of Gratuity.

[No. L-29011/66/83-D. III(B)]

आदेश

का० आ० 999.—केन्द्रीय सरकार की राय है कि इससे उपाधुद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में खान क्वेरी वर्क संख्या 26, मुकाम और डाकघर राजलवाड़ा, तालुका जहागड़िया, जिला भरुच के प्रबंधतंत्र में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री जी० एम० बरोत होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या संबंधित कर्मचारियों की निम्नलिखित मांगे न्यायोचित हैं यदि हाँ, तो वे किस अनुतोष के हकदार हैं?

1. महंगाई भत्ते के रूप में विशेष भत्ते का भुगतान।
2. लेखा वर्ष 1980, 1981 तथा 1982 के लिए 20 प्रतिशत की दर से बोनस का भुगतान।
3. जिन कर्मचारियों ने सेवा से 90 दिन पूरे कर लिए हैं, उन्हें स्थायीकरण का लाभ देना।
4. वर्षा ऋतु के दौरान जब खान बन्द होती है, प्रतिधारण भत्ते का भुगतान।
5. उपकर का भुगतान।

[सं०एल-29011/58/83-डी-3(बी)]

ORDER

S.O. 999.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of 26 No. Khari Quarry Works, At & P.O. Rajalwada, Taluka Jhangadia Dist. Bharuch and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the following demands of the workmen concerned are justified? If so, to what relief are they entitled?

1538 GI/83- 8

(i) Grant of special allowance in the form of Dearness Allowance.

(ii) Payment of bonus at the rate of 20 percent for the accounting years 1980, 1981 & 1982.

(iii) Grant of benefit of permanency to these workmen who have completed 90 days service.

(iv) Payment of Retaining Allowance during the rainy season when the mine is closed.

(v) Payment of Gratuity.

[No. L-29011/58/83-D. III(B)]

आदेश

का०आ० 1000.—केन्द्रीय सरकार की राय है कि इससे उपाधुद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में रमेश स्टोन क्वेरी, मुकाम और डाकघर राजलवाड़ा, तालुका जहागड़िया, जिला भरुच के प्रबंधतंत्र में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसमें पीठासीन अधिकारी श्री जी० एम० बरोत होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

क्या संबंधित कर्मचारियों की निम्नलिखित मांगें न्यायोचित हैं यदि हाँ, तो वे किस अनुतोष के हकदार हैं?

1. महंगाई भत्ते के रूप में विशेष भत्ते का भुगतान।
2. लेखा वर्ष 1980, 1981 तथा 1982 के लिए 20 प्रतिशत की दर से बोनस का भुगतान।
3. जिन कर्मचारियों ने सेवा से 90 दिन पूरे कर लिए हैं, स्थायीकरण का लाभ देना।
4. वर्षा ऋतु के दौरान जब खान बन्द होती है प्रतिधारण भत्ते का भुगतान।
5. उपकर का भुगतान।

[सं०एल-29011/58/83-डी-3(बी)]

ORDER

S.O. 1000.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ramesh Stone Quarry Works At & P.O., Rajalwada, Taluka Jhangadia Dist. Bharuch, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the following demands of the workmen concerned are justified? If so, to what relief are they entitled?

- (i) Grant of special allowance in the form of Dearness Allowance.
- (ii) Payment of bonus at the rate of 20 percent for the accounting years 1980, 1981 and 1982.
- (iii) Grant of benefit of Permanency to those workmen who have completed 90 days service.
- (iv) Payment of Retaining Allowance during the rainy season when the mine is closed.
- (v) Payment of Gratuity.

[No. L-29011/56/83-D. III(B)]

आवेश

का०आ० 1001.—केन्द्रीय सरकार की राय है कि इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में भारत भार्द गुलाब भार्द पटेल, खान माफिक गम्हर खान, गोजी बरहान समान, तालुक बारदोली, जिला सूरत के प्रबंधन में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है ;

और केन्द्रीय सरकार, उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना वांछनीय समझती है।

अतः केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री जी० एम० बरौत होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णय के लिए निर्देशित करती है।

अनुसूची

क्या संबंधित कर्मचारों की निम्नलिखित मांगे न्यायोचित हैं? यदि हाँ, तो वे किस अनुसूची के हकदार हैं?

1. सहगाई भत्ते के रूप में विशेष भत्ते का भुगतान।
2. लेखा वर्ष 1980, 1981 और 1982 के लिए 20 प्रतिशत की दर से बोनस का भुगतान।
3. जिन कर्मचारों ने सेवा के 90 दिन पूरे कर लिए हैं उन्हें स्थायीकरण का लाभ देना।
4. वर्षा ऋतु के दौरान जब खान बन्द होती है, प्रतिधारण भत्ते का भुगतान।
5. उपकर का भुगतान।

[सं०एल-29011/57/83-सी-3(बी)]

ORDER

S.O. 1001.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bharat Bhaj Gulab Bhai Patel, Mine Owners, Stone Mine at Goji via Sarbhan, Taluka Bardoli Distt. Surat and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the following demands of the workmen concerned are justified? If so, to what relief are they entitled?

- (i) Grant of special allowance in the form of Dearness Allowance.

- (ii) Payment of bonus at the rate of 20 percent for the accounting years 1980, 1981 and 1982.

- (iii) Grant of benefit of Permanency to those workmen who have completed 90 days service.

- (iv) Payment of Retaining Allowance during the rainy season when the mine is closed.

- (v) Payment of Gratuity.

[No. L-29011/57/83-D. III(B)]

New Delhi, the 6th March, 1984

S.O. 1002.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the management Indian Rare Earths Limited, Bombay and their workmen, which was received by the Central Government on the 28th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/36 of 1983

Employers in relation to the Management of Indian Rare Earths Ltd., Bombay.

AND

Their Workman

APPEARANCES :

For the Employers.—Shri S. K. Wadia, Advocate, Shri N. K. Ramsathan, Chief Personnel Manager,

For the Workman.—Shri Manohar M. Phatak, General Secretary, Hindustan Sharmik Sena, Shri A. V. Betewadkar, (Workman in person).

STATE: Maharashtra.

INDUSTRY : Mining.

INDUSTRY :

Mining.

Bombay, the 16th February, 1984

AWARD

(Dictated in the Open Court)

By their order No. L-43011/1/82-D. III(B), dated 19-8-82 the following dispute has been referred under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication.

"Whether the action of the management of Indian Rare Earths Limited, Bombay in terminating the services of Shri A. V. Betawadker with effect from 26-12-80 is justified? If not, to what relief is the workman entitled?"

2. As the dispute stands it has arisen because of the termination of the services of a Operator w.c.f. 26-12-80 who it is alleged refused to perform the duties assigned to him by the Shift in-charge on 1-12-1980 and 2 days thereafter and against whom, it is further alleged, a domestic enquiry was held wherein the finding of guilty was noted by the Enquiry Officer, on the strength of which the competent authority, it is alleged, on considering the past conduct of the workman decided to dismiss him, and although there was an appeal to the higher authorities the same failed.

3. By his statement of claim the workman challenges the legality of the order and also challenges the propriety of the enquiry. He contends that no proper procedure was followed by the management, no second opportunity was given before passing the order of dismissal and therefore the order of dismissal is vitiated. He further contends that in the year 1978 no action was taken against him and on

the second occasion in the same year though he was initially placed under suspension, he was allowed to join the duties without any censure etc. He also contends that his services for about 7 years was unblemished.

4. Ex. 4/M is the written statement filed by the management hereby they have refuted all the contentions raised by the workman, asserted that the enquiry was conducted according to the standing orders prevailing in the Company and since the workman was guilty of refusing to carry out the lawful orders of his superiors he was guilty of the misconduct and therefore the punishment imposed on him. In the past it is alleged a oral warning was issued despite which warning it is alleged the workman again indulged in the act of wilful disobedience.

5. On the above pleadings, following issues arise for determination.

My findings thereon are :—

Issues	Findings
1. Whether the Thorium Factory is not an industry?	Not pressed
2. If yes whether the employee is a workman under the Industrial Disputes Act?	Not pressed
3. If not is he entitled to any relief?	As per award
4. Are not the various contentions of the workmen vague?	Yes
5. If not, does the workman prove that the enquiry is vitiated on the ground that no proper procedure was followed and no opportunity was given for rebutting the statement?	No
6. Has the enquiry violated any principal of natural justice?	No
7. Was it incumbent on the enquiry officer to supply attested copy of the enquiry proceeding day-to-day?	No
8. If yes whether the enquiry was vitiated by non-supply of such copy?	No
9. Is the order of dismissal legal and justified?	Yes
10. To what relief the workman is entitled?	As per order
11. What award?	As per order

REASONS

6. Initially being under the impression that Ascending Act 1982 has been brought on statute book the contentions regarding industry were taken but when it was realised that it has not been brought into force those contentions were given up by the employers and therefore issue Nos. 1 and 2 do not arise for determination.

7. The guilt or proof of misconduct as attributed to the workman is writ large on the record and the proceeding and although there is an attempt to challenge the legality and propriety of the proceedings followed during the enquiry, I find no substance in these contentions. The workman even before the enquiry commenced was made known as to what charge he was to face, the enquiry papers further reveal that he was asked before the commencement of the enquiry whether he wanted any aid of a co-workman which he declined and therefore he himself conducted the enquiry, opportunity was given to cross-examine the two witnesses viz. Shift in-charge and Chageman and lastly the statement of the workman himself was also recorded enabling to plead his own cause. The whole evidence was recorded in the presence of the workman and therefore although there is an attempt made to suggest that the copies should have been

furnished to the workman, and further an attempt has been made to challenge the enquiry on the ground of non furnishing of the copies, that attempt also must fail especially when whatever evidence was there was recorded in his presence and he could have very well taken the notes of the proceeding. It was then urged that after the submission of the report of the Enquiry Officer no opportunity was given to him but when the standing orders do not speak to that effect and further when all along the proceeding took place before the workman, the failure to give such opportunity assuming to be any cannot be a ground available to the workman. In this connection it was a domestic enquiry undertaken and as the evidence stands all the principles of natural justice were followed and not only that but there is absolutely no proof of any prejudice having been caused to the workman which proof is the most important thing and even if there be any technical infringement, assuming there be any, in the absence of proof of any prejudice and in the light of other factors already discussed, the challenge to the enquiry must fail. At the time of argument it was suggested on behalf of the workman that the presence of the management representative during the enquiry was against Rules and therefore affected adversely the interest of the workman, in which contention when the representative has a right to be present there and has a right to represent the management, there appears no force, and therefore rejected. I have gone minutely through the enquiry papers and I have considered the evidence of management witness No. 1 and 2 who have established that on 1st, 2nd and 3rd December, 1980 when the workman was asked to work in SEP Section along with one other operator, he refused to carry out those orders and therefore guilty of disobedience.

8. Even though I have noted the finding in this manner, being a proceeding under Section 11A of the I.D. Act, the question still arises whether the punishment was disproportionate or harsh and therefore needs interference. In management of Hindustan Machine Tools Ltd. Vs. Mohd. Usman, 1984 (1) S. C. page 152 it has been held by their Lordships of Supreme Court that where punishment imposed by the employer is disproportionately excessive, Labour Court in exercise of the discretion under Section 11-A can reduce the punishment and having held accordingly when the Labour Court in exercise of the powers set aside, the orders of dismissal and awarded punishment of stoppage of increments, their Lordships declined to interfere in the said order. Similar ruling is to be had in Jaswant Singh Vs. Pepsu Roadways Transport Corporation 1984 (1) S. C. page 35. In this case instead of order of dismissal reinstatement without back wages was ordered by the Labour Court to which a further punishment was added by their Lordships, punishment withholding 3 increments for 3 years subsequent to the reinstatement! Ultimately therefore what is to be seen is whether punishment is disproportionate or harsh and requires interference under Section 11-A of the I.D. Act.

9. In this regard two factors also have to be borne in mind viz. that in the year 1976 as the record shows the workman was found to be irregular in attending the work. No action seems to have been taken then. However again in the year 1978 the record speaks he had committed the misconduct for which he was placed under suspension but after a short period he was allowed to join and though the workman had denied, it was because according to the management a oral warning was issued which statement of the management I see no reason to disbelieve. Even then the crucial question while determining the punishment would be whether there was any genuine grievance of the workman and if the record speaks that there existed a genuine grievance, the order of dismissal even in the light of past conduct would still be disproportionate.

10. The factory it seems is being worked in 3 shifts 1st, 2nd and 3rd shift, there is a 4th shift known as General shift. At the time when a workman of 1st and 2nd shift go into 3rd shift, because the entire commitment is not needed some of the workman who would have worked in 3rd shift are asked to work either in 1st or 2nd shift. The workman says and there is force in that due to such change i.e. transferring from 3rd to other shift the period of rest is shortened. Consequently it was really incumbent on the management to lay down certain modalities as to which of the workman should be transferred and who should be allowed to continue in 3rd shift, without leaving it to the whims of shift-in-charge.

11. The record shows and that was the main bone of contention that in the month of November, 1980 throughout workman had worked in SEP Section. He was therefore complaining on December first 1980 when he was again transferred to 1st shift instead of allowing him to work in 3rd shift, and when asked to work in SEP Section in which section he had worked for 30 days. The record shows when there were permanent operators who were to operate in the 1st shift in the month of December, 1980 nobody has given any explanation, neither the Shift-in-charge nor the Charge-man as to why the workman who had worked throughout the whole month in SEP Section was again posted in the same section and why this simple request of his was not considered. In this connection Shri N. C. Mayak was put certain question in the cross-examination viz :

Question.—Is it not inconvenient to the operator who usually joins your shift to work in a section in which he has already worked in the previous month ?

Answer to which was in the negative. But when he was asked "In that case is it not injustice for the operator ?" The answer was "No comments". This was a peculiar answer and only inference would be that the witness did not want to commit himself. The witness admitted on 1-12-80 as per the norms his operators did get the change of their sections, but no explanation has come forward why in the case of Shri Betawadkar an exception was required to be made for making him work in the same section when the regular incumbent of that shift had enjoyed the facility. Though entitled to work in 3rd shift, Shri Betawadkar was transferred to 1st shift again, his convenience should have been first looked to, atleast when he was making a request should not have been rejected summarily. When the charge-hand was asked whether all operators get their section changed on first of every month in all the three shifts the reply was he was not concerned with the working of other shifts. When he was asked in what section or shift Shri Betawadkar was working in the month of November, 1980 he denied any knowledge. It is therefore evident that here was a workman who had genuine grievance, was making a request that his section should be changed, since he had worked in the earlier month but nobody paid any heed to his grievance and then holding guilty of indiscipline sent him home. When the events are reconsidered in the light of my findings the order of dismissal even having regard to the past conduct and the evidence relied upon, was clearly disproportionate and therefore needs interference, and it amounts to removing the workman but not the cause of the dissatisfaction.

12. At the same time it is evident that care is to be taken to see that the indiscipline does not spread otherwise the whole work would come to a stand still. Really speaking even though the workman found that the grievance was not paid attention to, he should have registered a written protest but he should have returned to his duties which the workman failed to do.

13. I therefore impose a condition before the workman is reinstated he shall execute a writing that while in service he shall carry out all the orders of his superiors to the best of his capacity and further shall tender apology for the past indiscipline. On execution of such writing the workman shall be reinstated without back wages and his 3 increments from the date of reinstatement as and when due shall be withheld and they shall be released only on his superiors certifying his work to be satisfactory. At the end of 3 years if such certificate is obtained then all the increments during the relevant period of three years shall be released from due date. The order of dismissal therefore is substituted by the orders given above and they shall be carried out.

14. Although no back wages are being ordered continuity in service shall be maintained and the workman on the day of reinstatement shall draw the same salary as he was drawing on the day was last suspended.

M. A. DESHPANDE, Presiding Officer

[No. I-43011/1/80 D. III(B)]

New Delhi, the 9th March, 1984

S.O. 1003.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Messrs Rajasthan State Mines & Minerals Limited, Udaipur and their workmen, which was received by the Central Government on the 6th March, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 100/81

In the matter of dispute

BETWEEN

Shri Ganpat Singh & Ors.,
The General Secretary,
Rajasthan State Mines & Minerals
Karamchhari Sangh,
Head Office,
Near Dharamshala,
UDAIPUR-313001.

Vs.

The Managing Director,
Rajasthan State Mines & Minerals Ltd.,
12B, Kumbha Marg,
New Fatehpuri, Udaipur.

PRESENT :

Shri R. C. Shukla—for Workman.
Shri Jagat Arora—for Management.

AWARD

The Central Government, Ministry of Labour, vide order No. L-29012/19/80-D. III(B) dated 30th July, 1981, referred the following dispute to this Tribunal for adjudication:—

"Whether the action of the management of the Rajasthan State Mines and Minerals Ltd., Udaipur in not promoting S/Shri Ganpat Singh, Bhoja Ram and Ahmed as Head Security Guards from 1st January, 1979, is justified? If not, to what relief are the workmen concerned entitled?"

2. The workmen Unions withdraw from the reference saying that the workman concerned had expressed their unwillingness to pursue the instant dispute and requested that the Tribunal may be pleased to make a no dispute award.

3. In view of this stand of the workmen union and the Managements written statement indicating the circumstances in which the workmen concerned could not be promoted as Head Security Guard in January 1979, the management action is taken to be justified and a 'no dispute' award is made.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

Dated the 25th February 1984
at Jaipur.

O. P. SINGLA, Presiding Officer
[No. L-29012/19/80-D.III(B)]

S.O. 1004.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Rajasthan State Mines and Minerals Limited, Udaipur and their workmen, which was received by the Central Government on the 6th March, 1984.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 72 of 1980

In the matter of dispute

BETWEEN

Shri Poonam Chand Verma,
The Secretary,

Rajasthan State Mines and Minerals,
Karamchari Sangh,
Near Ramchandra Champalal Dharamshala,
Udaipur, W. Rly., (Rajasthan)

Vs.

The Managing Director,
Rajasthan State Mines and Minerals Ltd.
12-B, New Fatehpura, Udaipur, Rajasthan.

PRESENT :

Shri R. C. Shukla—for Workman.
Shri Jagat Arora—for Management.

AWARD

The Central Government, Ministry of Labour vide order No. L-29011/16/79-D. III. B. dated 16th July, 1980 referred the following dispute to this Tribunal for adjudication:—

"Whether the action of the management of Rajasthan State Mines and Minerals Ltd., Jhamar Kotra relating to supersession of Shri Paonam Chand Verma, Fitter by S/Shri Inayat Ali, Barakatali; Shamsuddin, Ahmed Shah, Jehangir Shah, A. R. Gholet, Anwar, A. K. Biswas and Bharat Bhushan in the matter of promotion is justified? If not, to what relief the workman is entitled?"

2. The workman concerned in this dispute Shri P. C. Verma has been having ill health continuously and in that situation the Rajasthan State & Mines Minerals Karamchari Sangh requested that the matter may not be proceeded further and a no dispute award may be made.

3. The action of the Management was taken on account of reduction of Mining activity at Jamsar Mines and the concerned workman was sent to Rock Phosphate Mines at Bikaner and the company had seniority decided from the date he joined the phosphate division of the company.

3. The Management action appears to be justified and the dispute having been withdrawn by the workers union a 'no dispute award is made'.

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

Dated : 25-2-1984 at Jaipur.

O. P. SINGLA, Presiding Officer
[No. L-29011/16/79-D. III(B)]

S.O. 1005.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Rajasthan State Mines and Minerals Limited, Udaipur and their workmen, which was received by the Central Government on the 6th March, 1984

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

NEW DELHI

I.D. No. 70 of 1980

In the matter of dispute

BETWEEN

Shri Nasir,
The Secretary,
Rajasthan State Mines & Minerals Karamchari
Sangh,
Rajasthan Circle,
Near Ramchandra Champalal Dharamshala,
Udaipur (Rajasthan).

Vs.

The Managing Director,
Rajasthan State Mines & Minerals Ltd.,
12-B, New Fatehpura,
Udaipur (Rajasthan).

PRESENT :

Shri R. C. Shukla—for the Workman.
Shri Jagat Arora—for the management.

AWARD

The Central Government, Ministry of Labour, vide order No. L-29011/5/79-D. III. B. dated 15th July, 1980, referred the following dispute to this Tribunal for adjudication :

"Whether the demand of Rajasthan State Mines and Minerals Karamchari Sangh, Udaipur that Shri Nasir, Ticket No. 1063, Jhamarkotra, may be promoted as a turner with effect from 24th August, 1976 and fixed in the grade thereof from that date is justified? If so, to what relief the workman is entitled?"

2. The dispute does not survive for adjudication because the Rajasthan State Mines & Minerals Karamchari Sangh decided not to pursue the reference and requested that a no dispute award may be made.

3. Mr. P. C. Mathur, Deputy Manager in the affidavit filed has justified the management action which in view of the workmen union withdrawal is held to be proper and a 'no dispute award is made.'

Further ordered that the requisite number of copies of this award be forwarded to the Central Government for necessary action at their end.

Dated 25-2-1984 at Jaipur.

O. P. SINGLA, Presiding Officer
[No. L-29011(5)/79-D.III(B)]
NAND LAL, Under Secy.

आदेश

नई दिल्ली, 6 फरवरी, 1984

का० आ० 1006.—केंद्रीय सरकार की राय है कि इससे उपाखण्ड अनुसूची में विनिर्दिष्ट विषय के बारे में न्यू बैंक आफ इंडिया के प्रबंधक से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है;

और केंद्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केंद्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी आ एम० श्रीनिवास राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या न्यू बैंक आफ इंडिया के प्रबंधक की उनकी करीम नगर शाखा के सम्बन्ध में श्री टी० रामानजोयुल्, क्लर्क-कम-टाइपिस्ट की प्रमुख लिपिक (जिसे अब विशेष सहायक कहा जाता है) की 30-9-82 की वरिष्ठता के प्रयोजनार्थ 30-9-82 को समाप्त होने वाले अर्ध वर्ष के दौरान अर्जित की गई अतिरिक्त योग्यता को ध्यान में न रखकर पदोन्नति से इनकार करने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किम अनुलोप का हकदार है?"

[सं० एल-12012/18/83-डी-4(ए)]

ORDER

New Delhi, the 6th February, 1984

S.O. 1006.—Whereas the Central Government is of opinion that an Industrial Disputes exists between the employers in relation to the management of New Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government consider it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Srinavasa Rao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

THE SCHEDULE

"Whether the action of the management of New Bank of India in relation to their Karimnagar Branch in denying promotion to Shri T. Ramanjanoyulu, Clerk-cum-Typist as Head Clerk (Now called as Special Assistant) by not taking into account the additional qualification attained by him during the half year ending 30-9-82 for the purpose of seniority as on 30-9-82 is justified? If not, to what relief is the workman concerned entitled?"

[No. L-12012/18/83-D.IV(A)]

नई दिल्ली, 9 फरवरी, 1984

आदेश

का० आ० 1007.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में देना बैंक के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठस्थित अधिकारी श्री जी० एम० बरोट होंगे, जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या देना बैंक, क्षेत्रीय कार्यालय, नूरत के प्रबंधन द्वारा अपने जापन सं० आर ओ/पी ई आर/415/82 दिनांक 11-3-82 के अनुसार उनके बैंक की शाखा तलबतपुरा, नूरत के संबंध में क्लीनर एवं सिपाही, श्री एम० जी० राठोड़, का अपनी इच्छा से नौकरी छोड़ देना मान देना न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है?"

[सं० एल-12012/246/83-डी-2(ए)]

New Delhi, the 9th February, 1984

ORDER

S.O. 1007.—Whereas the Central Government is of the opinion that an Industrial Dispute exists between the employers in relation to the management of Dena Bank and their workman in respect of the matter specified in the schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Dena Bank, Regional Office, Surat in relation to their Salbat-

pura Branch Surat in treating Shri M. G. Rathod, Cleaner cum Sepoy having abandoned the job of his own volition, under their memo. No. RO/PER/415/82 dated 11-3-82 is justified? If not, to what relief is the workman concerned entitled?"

[No. L-12012/246/83-D.II(A)]

आदेश

का० आ० 1008.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में देना बैंक के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठस्थित अधिकारी श्री जी० एम० बरोट होंगे जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"क्या देना बैंक क्षेत्रीय कार्यालय अहमदाबाद के प्रबंधन को उनके बैंक की शाखा, आश्रम रोड़ अहमदाबाद के चौकीदार श्री जी० एस० राजपूत की 5-7-82 से सेवाएं समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है?"

[सं० एल० 12012/219/83-डी 2(ए)]

ORDERS

New Delhi, the 9th February, 1984

S.O. 1008.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Dena Bank and their workman in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Dena Bank, Regional Office, Ahmedabad in relation to their Ashram Road Branch, Ahmedabad in terminating the services of Shri G. S. Rajput, Watchman, with effect from 5-7-82 is justified? If not, to what relief is the workman concerned entitled?"

[No. L-12012/219/83-D.II(A)]

आदेश

का० आ० 1009.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में भारतीय स्टेट बैंक के प्रबंधन से सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री जी० एम० बरीन होंगे जिनका मुख्यालय अहमदाबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या भारतीय स्टेट बैंक अहमदाबाद के प्रबंधतंत्र द्वारा अपने बैंक की शाखा हिम्मत नगर के बावली चौकीदार श्री एच० जे० गडोट की 24-11-82 से सेवाएं समाप्त करने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है?”

[सं० एन० 12012/249/83-डी-2 (ए)]

ORDER

S.O. 1009.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of State Bank of India and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G. S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of State Bank of India, Ahmedabad in relation to their Himatnagar branch in terminating the service of Shri H. J. Rathod, Badli Watchman with effect from 24-11-82 is justified? If not, to what relief is the workman concerned entitled?”

[No. I-12012/249/83-D.II(A)]

प्रादेश

का० प्रा० 1010.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में स्टेट बैंक आफ इंडिया के प्रबंधतंत्र में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है।

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः केन्द्रीय सरकार औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम० श्री निवास राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या स्टेट बैंक आफ इंडिया हैदराबाद के प्रबंधतंत्र द्वारा उनके अपने बैंक की शाखा सिक्कराबाद में चौकीदार श्री मोहम्मद यदमोदुल्ला को 31-12-82 से सेवा निवृत्त करने की कार्यवाही न्यायो-

चित है? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है?

[सं० एन० 12012/270/83-डी 2 (ए)]

ORDER

S.O. 1010.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of State Bank of India and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Srinivasa Rao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of State Bank of India, Hyderabad in relation to their Secunderabad Branch in retiring Shri Mohd. Ahmodullah. Watchman from service with effect from 31-12-1982 is justified? If not, to what relief is the workman concerned entitled?”

[No. I-12012/270/83-D.II(A)]

प्रादेश

नई दिल्ली, 14 फरवरी, 1984

का० प्रा० 1011.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषय के बारे में सिंडीकेट बैंक के प्रबंधतंत्र में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है।

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है;

अतः केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम० श्रीनिवास राव होंगे जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या सिंडीकेट बैंक हैदराबाद के प्रबंधतंत्र की करेन्सी बैंक मुखरामजही रोड़ शाखा हैदराबाद के संघ में निमित्त श्री के० मंजुनाथ भाट को उसकी पदाधि 6-2-81 से 21-1-82 के दौरान विशेष सहायक का काम न सौंपने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है?”

[सं० एन० 12012/252/83-डी० 2 (ए)]

एन० के० बर्मा, बैंक अधिकारी

ORDER

New Delhi, the 14th February, 1984

S.O. 1011.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Syndicate Bank and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Srinivasa Rao shall be the Presiding Officer, with headquarters at Hyderabad, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Syndicate Bank, Hyderabad in relation to their Currency Chest, Mukhranjahi Road Branch, Hyderabad in not entrusting Special Assistant's duties to Shri K. Manjunath Bhat, Clerk during his tenure there for the period from 6-2-81 to 21-1-82 is justified? If not, to what relief is the workman concerned entitled?"

[No. I-12012/252/83-D.II(A)]
N. K. VFRMA, Desk Officer

New Delhi, the 7th March, 1984

S.O. 1012.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the State Bank of India, Panaji Branch, Goa and their workmen, which was received by the Central Government on the 29th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/17 of 1983

PARTIES :

Employers in relation to the Management of State Bank of India, Panaji.

AND

Their Workman

APPEARANCES :

For the Employer.—Shri P. K. Rele, Advocate.
For the workman.—Shri J. G. Gadkari, Advocate.

INDUSTRY :

Banking

STATE :

Goa, Daman and Diu

Bombay, the 8th February, 1984

AWARD

By their order No. I-12012/64/82-D. II (A) dated nil March 1983 the following dispute has been referred under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication :—

"Whether the action of the management of State Bank of India in relation to Panaji Branch, Goa in terminating the services of Shri Ramachandra Sakaram Bagli with effect from 13-12-1980 is justified? If not, to what relief is he entitled?"

2. In support of the contention the State Bank of India Employees' Union representing the workman has filed statement of claim at Ex. 2/M whereby the action is stated to be illegal, improper and in violation of law. It is further contended that the workman concerned was employed during the period from 9-4-1979 to 12-12-1980 with a break between 10-8-1979 to 13-5-1980 as a Messenger at their Panaji Branch. It is alleged that on 13-12-1980 his services were orally terminated. The Union contends that even though the services of the employees are governed by Awards and Bipartite Settlement as modified from time to time, which settlement and awards provide for the employment of workman only on monthly basis and which speak of termination, the Bank without following the procedure as laid down illegally terminated the services orally in violation of Bi-

partite settlement as well as provisions of Shops and Establishments Act. It is further contended that the workman having put in more than one year's continuous service in terms of Clause 1 of Section 25(B) of the Industrial Disputes Act, 1947 since the cessation of work during the period from 10-8-1979 to 13-5-1980 being not due to the fault of the workman, he is entitled to notice pay and retrenchment compensation under Section 25F of the Act which having not offered or paid, the termination is void ab-initio. It is alleged that in any case the workman having put in more than 120 days service during the period of six months prior to the date of termination he was entitled to one month's notice pay and retrenchment compensation, which has not been paid making the resultant termination illegal. The Union further says that before the Conciliation Officer the contention of the Bank was that the workman was employed on temporary basis which contention was disputed from the beginning since the work was of permanent nature and not by way of temporary increase. He therefore contends that the termination is illegal and as such the workman is entitled to all the reliefs.

3. Exhibit 3/M is the written statement filed by the Bank wherein it is contended that the workman Shri Ramachandra Sakaram Bagli was employed as a temporary messenger at the Bank's Panaji Branch to cope with temporary exigencies of work arising as a result of leave vacancies. During this temporary employment he was paid daily wages varying from Rs. 13 per day to Rs. 15.50 per day and his services were not requisitioned after 12-12-1980. According to the Bank Shri Bagli was never employed for more than 240 days in 12 calendar months, the provisions of Chapter V-A of the Industrial Disputes Act, 1947 can never be invoked and as such the termination cannot be challenged. At annexure A the Bank has furnished dates when the workman was employed, according to them on temporary basis during the leave vacancies. The Bank therefore justifies the order of termination and repels all other contentions.

4. On the above pleadings the following issues arise for determination and my findings are :—

Issues	Findings
1. Does the Bank prove that the appointment of Shri Ramachandra Sakaram Bagli was for a specific period?	Yes as temporary.
2. Whether the said appointment terminated automatically on expiry of the relevant period?	No
3. If not, is not the case of workman governed by Sastry Award para. 522(4) or some such other provision?	Yes
4. If yes whether the termination of services of the workman validly and legally effected?	No notice given.
5. Was the said termination justified?	Not proved to be justified.
6. If not to what relief the workman is entitled, whether of reinstatement or for notice pay for the relevant period?	14 days wages only at the rate of Rs. 15.50, which was the last pay drawn.
7. What award?	As per order.

5. Although annexure A to the written statement, Ex. 4/M and in the oral evidence of Shri Alex Marcelino D'Mello, the witness cited by the Bank described the services of the workman as Badli workman appointed in leave vacancies, the term Badli as seen from the Written Statement was never used by the Bank and why has remained unexplained. It is evident that the term Badli has achieved special significance

and even Section 25C of the Industrial Disputes Act has defined the term as a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for the purpose of this section, if he has completed one year of continuous service in the establishment. The material ingredient therefore is that he must be employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls. If we turn to Standing Orders Act, 1946 under Clause 2 of the Standing orders where we find a reference to types of classification being permanent, probationers, badli, temporary, casual and apprentices. In clause 2(d) a Badli is defined as a workman who is appointed in the post of permanent workman or probationer who is temporarily absent. While temporary workman means a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period. At sub-clause (f) casual workman means workman whose employment is of a casual nature. Reference to various definitions is necessary to indicate that term Badli or casual workman is something different than a temporary workman and the above referred definitions also stressed the difference.

6. Under para. 508 of the Award which is known as Sastry Award which was passed in the year 1953 and which is binding on the Bank and the employees there is a reference to classification of employees and it was directed that the employees shall be classified as permanent employees, probationers, temporary employees and part-time employees. It is significant that we do not find reference to either casual workman or Badli workman. Clause (c) of Para. 508 defines temporary employee as an employee who has been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional employee in connection with a temporary increase in work of a permanent nature. The award therefore never recognised what is known as Badli or casual workman. However at the time of second Award known as Desai Award of 1962 under paragraph 16.9 it was declared that no provision in the said award in connection with casual employees or job workers was being made and that such type of employees are excluded from the operation of the Award. We however do not find reference to the term Badli which is being consistently used. In the same Award in para. 21.19 (c) temporary employees for the purpose of award was declared to mean an employee who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional employee in connection with a temporary increase in work of a permanent nature and includes an employee other than a permanent employee who is appointed in a temporary vacancy of a permanent workman. It has therefore to be seen whether when the workman in the present case was appointed in the vacancy of a permanent workman or Messenger, could he be termed as Badli or he gains the status of a temporary employee.

7. So far as the Bi-partite settlement is concerned the relief granted to temporary employees under para. 20.9 to 11 are not available to the workman, since he joined the service considerably after the Bipartite settlement dated 19-10-1966.

8. In the written statement as already pointed out the case of the Bank was that Shri Bagli was appointed to cope with temporary exigencies of work arising as a result of leave vacancies. This fact is further corroborated by annexure A (Ex. 4/M) where we find the names of permanent incumbents in whose place Shri Bagli worked appears. Now if under para 21.19 of the Desai Award an employee other than a permanent employee who is appointed in a temporary vacancy of a permanent workman is to be included in the term temporary employee, there is no reason why Shri Bagli cannot be termed accordingly and it must be reason why the Bank though conscious of the statement annexure A to the written statement, while preparing the written statement used all along the term the workman as temporary workman.

9. Even in the oral evidence of Shri D'Mello, who was the Manager Personal Banking in the branch of the Bank during the relevant period, he has stated that the workman worked in place of permanent messenger. The witness says that the Messenger was never employed at a stretch continuously but intermittently as and when somebody was absent and

register was maintained showing the absence of permanent workmen and engagement of Badli workman. The term Badli as defined in the Industrial Disputes Act was contemplated for the temporary nature of vacancy during leave vacancy of a permanent incumbent.

10. Even though we come to the conclusion that Shri Bagli was in temporary employment on the dates stated, the question still would remain as to whether by such service he has achieved the status or gained any right, so as to challenge the termination. Even under Section 25E of the Act the explanation Badli workman means a workman who is employed in place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such if he has completed one year of continuous service in the establishment and would be governed by other part of the Act. Now before we refer to other Sections viz., 25F and 2(oo) of the Act, it would be necessary to determine what was the period of service which the workman had put in. For the said purpose we shall have to refer to statement Ex. 4/M which has not been denied and we find that from 3-4-1979 in the first phase the workman worked upto 9-8-1979. It is true that every week there appears a gap of not less than 2 days. In the second phase he has worked from 14-5-1980 to 12-12-1980 and the termination as per order of reference occurred on 13-12-1980. What is contended is that the breaks of two days or so were in fact artificial breaks and that he shall have to be ignored but the record speaks that every week the workman was being paid wages calculated on daily rates basis and at Ex. 7/M collectively the Bank has brought on record, the copies of the vouchers issued by the workman acknowledging such payment the last voucher being that received Rs. 77.50 for five days from 8-12-1980 to 12-12-1980 at Rs. 15.50 per day and it is dated 13-12-1980. The service therefore even to the knowledge of the workman was not without break. However, that would not cause any hardship to the case of the workman provided he brings the case under Section 25B of the Industrial Disputes Act. Under sub-section (1) continuous service is the period if he is in uninterrupted service including the service which may be interrupted due to sickness etc. cessation to work which is not due to any fault on the part of the workman. Since the appointment is made for every week no such question of cessation of work can arise and the services cannot be said to be uninterrupted service.

11. Then the question remains whether sub-section (2) of Section 25B of the Act is attracted where even if a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer for a period of one year, if the workman, during a period of 12 calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than 240 days. The relevant date would be 13-12-1980 and even if the workman had worked for more than 240 days from 3-4-1979 to 12-12-1980 he still can be deemed to be in continuous service for one year so as to attract Section 25F of the Act. However, if we look to Annexure A, Ex. 4/M we find that the workman who joined the service on 14-5-1980 had ceased to work from 10-8-1979 and can never fulfil this clause. There was an attempt to suggest that atleast he shall be deemed to have worked for six months he having completed 120 days in the year 1980 from 14-5-1980 to 12-12-1980. The record itself speaks that he worked 140 days but whether it has conferred any right has to be seen.

12. Here is a case therefore where the workman has not put in more than one year service before the date of alleged termination. Now under Section 25F of the Act before the termination is declared to be void the workman must have been employed in an industry continuously not less than one year and then only clauses (a) to (c) can be relied upon. In the instant case the material ingredient being absent, the termination cannot be challenged under Section 25F of the Act nor any relief can flow from the said provision. Although Section 25B of the Act speaks of service deemed to be continuous service even though interrupted the same may be, the question still is what is the period of service for which the workman was employed and whether it was required to be terminated or it automatically stood terminated by efflux of time howsoever the same may be. Now if we look to the definition of Section 2(oo) of the Industrial Disputes

Act it means the termination brought about by the employer and does not fall in any of the excepted categories. The alleged automatic termination by efflux of contractual period would still amount to retrenchment. Therefore the termination has to be effected by an order in writing and under Sastry Award the services of any employee other than permanent or probationer may be terminated after giving 14 days notice. However, the award cannot have any statutory force and at best it would be a contractual obligation and if therefore there is absence of notice the only right vested in the employee would be not to claim arrears or reinstatement but as held Full Bench in the case *Madhav Sakharam Jondhale Vs. The Sanganner Municipality*, reported in 1973(1), I.L.J., page 330 (Bombay) the right would be only for notice pay and nothing else. The workman therefore will only be entitled to 14 days wages calculated at the rate of Rs. 15.50 and nothing more. Since there was no vacancy there was no question of continuing in service nor any malafides are attributed to the Bank and therefore the termination effected cannot be said to be bad or done malafide. Award accordingly.

No order as to costs.
KKR/15/2/84

M. A. DESHPANDE, Presiding Officer
[No. L-12012/64/82-D. II(A)]

New Delhi, the 8th March, 1984

S.O. 1013.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh in the industrial dispute between the employers in relation to the Punjab National Bank, Jalliwala Bagh, Amritsar Punjab and their workman, which was received by the Central Government on the 1st March, 1984

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CHANDIGARH.

Case No. I.D. 115/83 (CHD), 72/83 (DELHI)

PARTIES :

Employers in relation to the management of Punjab
National Bank, Jalliwala Bagh Amritsar-Punjab.

AND

Their Workman—M. R. Singhal.

APPEARANCES :

For the Employers.—Shri Malvinder Singh.

For the Workman.—Workman with Shri V. S. Maithi.

INDUSTRY—Banking.

STATE—Punjab.

AWARD

Dated the 24th of February, 1984

The Central Govt. Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act 1947, vide their Order No. L-12012/32/81 D. II(A) dated the 19th February 1982 read with S. O. No. S-11025(2)/83 dated the 8th of June 1983 referred the following Industrial dispute to this Tribunal for adjudication :—

"Whether the action of the management in not allowing the officiating chance to Shri M. R. Singhal, Teller/Cashier in Moge Town (Unit for promotion) as not posting him as Head Cashier, Category 'C' is justified? If not, to what relief is the workman concerned entitled?"

2. When the matter came up for hearing, the petitioner/Workman submitted, that he was no longer interested in pursuing the case because he had since been promoted as an Accountant by the management and so a no-dispute award may be given.

3. On taking down the petitioner's statement in the light of his aforesaid admission and on hearing the parties, I hereby return a No-dispute Award.

CHANDIGARH.
24-2-1984.

I. P. VASISHTH, Presiding Officer.
[No. L-12012/32/81-D. II (A)]

N. K. VERMA, Desk Officer

नई दिल्ली, 24 सितम्बर, 1983

आवेग

का० आ० 1014:—केन्द्रीय सरकार की यह राय है कि इससे उपावद्ध धनुसूची में विनिर्दिष्ट विषय के बारे में जम्मू छावनी कर्मचारी संघ से संबंधित एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और, केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री इश्वर प्रकाश वसिष्ठ होंगे, जिसका मुख्यालय बंहीगड़ में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

धनुसूची

"क्या छावनी बोर्ड, जम्मू की अपने सफाईवालों की 1-9-1982 से 2-9-1982 के आधे दिन तक की अनुपस्थिति की अवधि को अवकाश या बप्टी न मानकर उस अवधि को सेवा में व्यवधान के रूप में मानने की कार्यवाई न्यायोचित है? यदि नहीं तो वे सफाईवाले किस धनुतोष के हकदार हैं?"

[सं० एल-13011 (4) 82-डी-II(बी)]

हरि सिंह, डेस्क अधिकारी

New Delhi, the 24th September, 1983

ORDER

S.O. 1014.—Whereas the Central Government is of opinion that an Industrial Dispute exists between the employers in relation to the Jammu Cantonment Employees Union and their workmen in respect of the matter specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and Clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Ishwar Prakash Vasisth shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the Cantonment Board, Jammu in not treating the period of absence of its safaiwallas from 1-9-1982 to Half day of 2-9-1982 as leave or duty but treating that period as break in service is justified? If not to what relief are these Safaiwallas entitled?"

[No. L-13011(4)]82-D-II(B)]

HARI SINGH, Desk Officer

नई दिल्ली, 12 मार्च, 1984

का० आ० 1015:—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम,

1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 3938 तारीख 26 सितम्बर, 1983 द्वारा यूरेनियम उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 20 अक्टूबर 1983 मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोक हित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 20 अप्रैल, 1984 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/7/81-डी-1(ए)]

एस० एच० एस० अय्यर, अवर सचिव

New Delhi, the 12th March, 1984

S.O. 1015.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India, in the Ministry of Labour No. S. O. 3938 dated the 26th September, 1983 the Uranium industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 20th October, 1983,

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 20th April, 1984.

[No. S-11017/7/81-D. I(A)]

S. H. S. IYER, Under Secy.

New Delhi, the 6th February 1984

S.O. 1016.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to Shri Conceicao Pereira, owner of Launch 'Joseph Anselmo', Goa and their workmen, which was received by the Central Government on the 25th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri M. A. Deshpande, Presiding Officer.

Reference No. CGIT-2/29 of 1982

PARTIES :

Employers in relation to Shri Conceicao Pereira owner of launch 'Joseph Anselmo'

VS

Their workmen.

For the Employers—Shri S.N.N. Karmali, Advocate

For the workmen—Shri Chudgo Krishna Gaonkar workman in person.

INDUSTRY : Ports and Docks

STATE : Goa, Daman and Diu

Bombay, dated the 1st February, 1984

AWARD PART I

Contending that the workman was in the service of the employers for more than five years and that sometime in the month of November, 1981 his services were terminated without following the provisions of Section 25F of the Industrial Disputes Act the workman by his statement of claim seeks reinstatement with back wages, continuity of service

and other benefits like the arrears alleged to be due to him by way of wages and other benefits amounting to Rs. 1026.00.

2. No written statement in reply has been filed by the employers. However it was orally contended by the learned advocate for the employers that the appropriate Government in this case is the State Government and therefore the reference is not tenable

3. Because of this issue which is the mixed question of law and fact, the following preliminary issues were framed and my findings thereto are :—

ISSUES

FINDINGS

(i) Which is the appropriate Government in relation to inland steam vessels ? Whether State Government of Central Government ?

(ii) If Central Government is the appropriate Government, whether this Tribunal has no jurisdiction to entertain the reference ?

(iii) If not, is the reference tenable ? tenable.

4. Since the reference has been made by the Central Government, under Section 114 of the Evidence Act though it is not directly applicable, the presumption would be the order of reference is legal since the same is done in the ordinary course of Government work and it would be for the side challenging the jurisdiction to state the objection and the reasons behind it as well as to substantiate the same. Since the Employers failed to do so as already stated they neither filed the written statement nor prayed as to why the subject matter falls outside the scope of the Central Government the presumption would be that the appropriate government is the Central Government as defined under Section 2(a) of the Industrial Disputes Act and therefore the reference as it stands must be held to be legal and valid.

Award Part I accordingly.

KKR/15-2-84.

M. A. DESHPANDE, Presiding Officer

[No. L-36012/1/82/D-IV(A)]

S.S. PRASHER, Desk Officer

New Delhi, the 5th March, 1984

S.O. 1017.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the Management of Bhatdee Colliery of Messrs Bharat Coking Coal Ltd., Post Office Mohuda, District Dhanbad, and their workmen, which was received by the Central Government on the 1st March, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 47 of 1982

In the matter of an industrial dispute under S. 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Bhatdee Colliery of Messrs Bharat Coking Coal Limited, Post Office Mohuda, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri B. Joshi, Advocate.

On behalf of the workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 25th February, 1984

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012 (432)/81-D.III(A), dated the 20th April, 1982.

SCHEDULE

"Whether the demand of the workmen of Bhatdee Colliery of Messrs Bharat Coking Coal Limited, Post Office Mohuda, District Dhanbad that the management should treat S/Smt. Anowara Bibi, Kamli Domin, Janki Daswalin, Rabni Chatwarin, Sarubala Mahatain and Sarvashri Kista Rajwar and Lal Mohan Mahato, Clay Cartridge Mazdoors as their workmen and that they should be paid Category-I wages is justified? If so, to what relief are the workers concerned entitled and from what date?"

The case of the workmen S/Smt. Anowara Bibi and 6 others is that they are working as clay cartridge mazdoor at Bhatdee Colliery of Messrs Bharat Coking Coal Ltd. since long. They have been engaged by the management for preparing clay cartridges at the colliery for using the same for blasting of coal. The nature of the job of the workmen is permanent as clay cartridges are necessary for the production of coal from the mines. They are working within the precincts and premises of the mines under the direct control and supervision of the management. The management supplies material for preparing clay cartridges to the concerned workmen. They take clay from the surface of the mines which is within the precincts and premises of the mines and water is also supplied to them by the management. During the rainy season the management supplies them coal for drying up the clay cartridges. They are rendering full time services and producing goods for the business of the colliery management. After nationalisation of the colliery, the management gave up pick mining system and introduced the solid blasting method for mining coal. The job of the concerned workmen are absolutely essential for running of the mine and for the purpose of the production of coal. As per provisions of the certified standing orders of Bhatdee Colliery all workmen are employees of Bhatdee Colliery. The concerned workmen are engaged by the management in a job which is of permanent nature and the rates of wages and job description of clay cartridge mazdoors finds place in the recommendation of the Wage Board for coal industry which has been accepted and implemented by the management. The management have been paying the workmen wages illegally and arbitrarily in violation of the Wage Board recommendation and are not paying category I wages to them. They were demanding wages as per wage Board recommendations and for treating them as workmen of the colliery but the management treated them as suppliers of clay cartridges and are paying wages arbitrarily. The workmen deny that the management has been purchasing clay cartridges at any agreed rate. The Union raised an industrial dispute before the ALC(C) Dhanbad for conciliation but the conciliation proceeding ended in failure and thereafter the present reference was made. The demand of the workmen for Category I wages and other facilities of Category I Mazdoors and for treating them as employees of the management is legal and justified. The workmen have therefore, demanded for directing the management to pay them category I wages of Wages Board Recommendation with attendance benefit from retrospective effect by treating them as management's permanent employees since nationalisation.

The case of the management is that there is no relationship of employer and employee between the management and the concerned workmen. The concerned workmen manufacture clay cartridges and the same is used as stemming materials in shot holes for blasting coal. The workmen sell clay cartridges @ Rs. 10 per thousand cartridges to the management. The management introduced the system of winning coal by blasting in Bhatdee Colliery in the year 1976 after obtaining due approval from the Office of the D.G.M.S., Dhanbad vide letter dated 11-8-76 and thereafter the management started purchasing clay cartridges from the concerned workmen at agreed rates. Winning of coal by solid blasting requires regular supply of clay cartridges and this gave much scope for local people to engage themselves in the making of clay cartridges and selling the same to the colliery management. The management encouraged the local people to manufacture and sell clay cartridges to them. The local people including ladies, devoted their leisure time in preparing clay cartridges at their own places and selling the same to the management's adjoining collieries. The clay cartridges are earth pellets of cylindrical shape of about 1"

in diameter and 12" in length made of pulped earth. The management purchases clay cartridges from the concerned workmen at agreed rates. The management did not ever employ the concerned workmen as clay cartridges mazdoors. The management purchases various items of materials from the local markets as well as from outside markets and it is absurd to suggest that the persons engaged in manufacture or preparations of those materials should be considered as workmen of the management. The concerned workmen do not work on any permanent nature of job. The management do not supply any material for the preparation of the clay cartridges. Neither earth, coal nor water is supplied to the concerned persons for preparation of the clay cartridges. They do not work within the precincts and premises of the mines under the direct control and supervision of the management. During the time of private management of the collieries there was not much requirement of clay cartridges and as such the selling of clay cartridges was not a profitable business and the same was not available in the market at all the time. It was for this reason that the private management had to employ casual workers to prepare clay cartridges as and when required and they used to pay Cat. I wages to them. After nationalisation most of the coal mines introduced the system of winning coal by blasting method and thereafter it became profitable to prepare clay cartridges by the local people in their spare time with the help of their family members and the neighbours and there was a market for the sale of clay cartridges. The management, therefore, used to purchase clay cartridges from the local people and did not engage their own workmen for the preparation of clay cartridges required by them, for blasting coal.

The claim, of the union for treating the concerned persons as clay cartridge mazdoors is not at all justified and the concerned persons are not entitled to any relief.

The points for consideration are whether the concerned workmen are clay cartridge mazdoors of Bhatdee Colliery and whether their demand to treat them as clay cartridge mazdoors and workmen of the management for payment of category I wages to them is justified.

The concerned persons claim to be the workmen of Bhatdee Colliery of M/s. B.C.C. Ltd. The management, on the other hand, asserts that they are not the workmen of Bhatdee Colliery but they are just suppliers of clay cartridges at agreed rates. Thus the question arises whether there is relationship of master and servant between the concerned persons and the management. The relationship of master and servant is a question of fact which is to be determined on consideration of materials and relevant circumstances having bearing on that question. In general selection by the employers, coupled with payment by him of remuneration or wages, their right to control the method of work and power to suspend or removal from employment are indicative of the relations of master and servant. Ordinarily the right of an employer to control the method of doing the work and the power of superintendence and control may be treated as strong by indicative of the relation of master and servant, for the relation imports the power not only to direct the doing of some work but also the power to direct the manner in which the work has to be done. If the employer has the power, prima-facie, the relation is that of master and servant, having the above principle in consideration we have to examine the evidence on the point adduced by the respective parties regarding relationship of master and servant.

WW-1 Anowara Bibi is one of the concerned workman who has come to support the case on behalf of the concerned persons. She has stated that she and other workmen are doing the work of clay cartridge makers from the time of erstwhile employer in Bhatdee Colliery. She has stated that they have been working continuously and are preparing clay cartridges in the colliery premises and have been collecting mud from the colliery premises and implements are also supplied by the colliery management for the preparation of clay cartridges. She has further stated that for drying up the clay cartridges in the winter season coal is supplied by the colliery management. She has also stated that they are working under the supervision of the management and that their duty hours is from 8 A.M. to 4 P.M. She has stated that from the time of the erstwhile employer winning of coal is done by blasting method and that they were receiving wages of Rs. 200—300 P.M. through vouchers. She has denied that they prepare clay cartridges in the house during

leisure time and sell the same to the colliery. In her cross-examination she has stated that the workmen do not possess any paper to show that the materials and the equipments required for preparation of clay cartridges is supplied to them by the management. She has also stated that there is no paper to show that coal is supplied to them by the management for during clay cartridges during the winter season. The workmen have filed Ext. W-4 which is a store requisition slip of Bhatdee Colliery dated 11-1-84 for supply of cane baskets, Kudal and pick with plates to Janki Deswalin. It has been tried to be shown by this Ext. that the concerned workmen used to requisition materials from Bhatdee Colliery for preparation of clay cartridges. From the entry in the remarks column of Ext. W-4 it will appear that the materials requisitioned were actually not supplied to Janki Deswalin, one of the concerned persons of this case. The note in remark column is "If entitled and issued earlier they may be given materials on exchange of old ones". Thus it will appear that this Ext. cannot establish that materials were supplied to the concerned workmen by the management of Bhatdee Colliery. The Ext. does not show that the materials requisitioned were actually supplied. There is also no oral evidence to the effect that these materials were supplied to Janki Deswalin or that she had any old materials which she had returned on exchange of the requisitioned materials. In my opinion this Ext. W-4 does not establish that the management had ever supplied any materials to the concerned persons which were required for the preparation of clay cartridges. WW-2 is the Area Secretary of Bihar Colliery Kamgar Union of which the concerned workmen are members. He has stated that the concerned workmen prepare clay cartridges at distance of 150 feet from the pit mouth and that they take earth from the colliery premises. He has stated that the management supplies them spare and gaita for preparation of clay cartridges (Golamitti). He has stated that they work from 8 A.M. to 4 P.M. in preparation of clay cartridges. Except for his oral evidence there is no materials to show that the management used to supply materials to the concerned workmen for preparation of clay cartridges. WW-2 is the Area Secretary of the Union of which the concerned workmen are members. It is this union which had raised the dispute of the workmen concerned and as such there is no wonder that WW-2 has come to support the case of the concerned workmen.

The management has examined MW-1 Shri R. N. Das who is presently in Asstt. Manager and has been working in Bhatdee Colliery since 1968 in different capacities. He has stated that since 11th of August, 1976 the management got permission for solid blasting from the DGMS, Dhanbad. He has further stated that Bhatdee Colliery has no surface right on which the villages are situated. He has stated that clay cartridges are purchased from outside and no clay cartridges are manufactured by the colliery. He has stated that total quantity of clay cartridges are counted and the lists are submitted to the surveyors on the basis of which bills are prepared and payments are made to the suppliers of clay cartridges. The management has accepted that the concerned persons did supply clay cartridges to Bhatdee Colliery. The management does not accept them to be the workmen of the colliery. The management has produced measurement books Ext. M-1 and M-1/1 in which there is entry of quantity of the clay cartridges received from different parties. Ext. M-2 and M-2/1 are 2 note books of measurement on the basis of which bills are prepared. Ext. M-3 series are Photostat copies of bills bearing the signature of surveyors and the managers. Ext. M-4 is the photostat copy of vouchers which would show purchases of clay cartridges from the concerned workmen on different dates in accordance with the clay cartridges supplied by the concerned workmen the entry of which is made in the measurement books (Ext. M-1 and M-1/1) and note books (Ext. M-2 and M-2/1). All these documents clearly indicate that the management used to purchase clay cartridges from the concerned persons. There is no paper to show that the concerned workmen are permanently employed by the management to prepare clay cartridges for Bhatdee Colliery. Admittedly there is no register in which the names of the concerned workmen have been shown as the workmen of Bhatdee Colliery.

MW-1 has stated in his evidence that the work of clay cartridges is not supervised by the management. He has also stated that the concerned workmen have not been appointed by the management and the management have no

control over them. It is further stated that the workmen do not work according to any time schedule fixed by the management. He has stated that the clay cartridges are manufactured on the surface which does not form part of the area over which the management has surface right. MW-1 has stated that the materials are not provided to the workmen for the manufacture of clay cartridges. This utterance has been thoroughly cross-examined on behalf of the workmen. In his cross-examination endeavour has been made to take from him that earth and water is supplied to the workmen by the management. But there is nothing to show in his cross-examination that he has stated in favour of the workmen. He has stated that the workmen prepare clay cartridges on the surface and that the clay is taken by them from their neighbourhood. It will also appear from his evidence that the Bhatdee Colliery has underground right for mining and that the management has no surface right on all the land which is on the surface of the mine. Thus if the workmen took earth from surface above the mine, it will not mean that the management was supplying them with earth for the manufacture of clay cartridges. MW-1 has stated that the management does not supply water to them but they might have been using the discharged water of the mine. The water if discharged from the mines by pumping it out and the said water is used bathing and washing purpose and the said water is used bathing and washing purpose and it is also stored in a reservoir situated near the incline mouth. Thus if any discharged water was being used in the preparation of clay cartridges it cannot be said that the management was supplying the said discharged water to the workmen. He has also denied that any coal was supplied to the workmen for drying clay cartridges. He has also stated that the work of the concerned workmen is not supervised and he has nowhere accepted that the manufacture of clay cartridge was supervised by the management. Thus the evidence of MW-1 completely negatives, the case of the concerned workmen. The fact that oral evidence adduced on behalf of the workmen is supported by no material on record to show that they were treated as workmen of Bhatdee Colliery, compels one to believe the evidence of MW-1 that the concerned workmen were mere suppliers of clay cartridges on a fixed rate.

It is stated by WW-1 that she along with other concerned workmen were doing the work of clay cartridge makers from the time of erstwhile employers. Even WW-2 stated so. But it will appear from very Written statement of the concerned workmen that the concerned workmen were not working as clay cartridge makers since the time of erstwhile employers. It is stated in para-6 of the written statement of the workmen that after nationalisation of the colliery the management removed the pit mining system and introduced solid blasting method for mining of coal. It is thus clear that solid blasting method of mining coal was introduced in Bhatdee Colliery after nationalisation of the colliery and the claim of WW-1 and WW-2 that the concerned workmen were working as clay cartridge makers since the time of erstwhile employer of Bhatdee Colliery is not correct. The said evidence has been introduced during the course of hearing so that they may have the advantage of Coal Wage Recommendation. Perhaps they realised late that if they make out a case that they were making clay cartridges for Bhatdee Colliery since before the nationalisation of the Coal Industries they may claim the advantage of Cat-I of clay cartridge makers as provided in the Wage Board recommendation. It was submitted on behalf of the workmen that clay cartridge mazdoors is in the schedule of the Coal Wage Board recommendations at Page 42 of Vol-2 and is a schedule job and hence the workmen should be put in Cat. I as clay job and hence the workmen should be put in Cat. I as clay cartridge mazdoors. It was submitted on behalf of the management that there are other categories also mentioned in the wage board but all those persons cannot be treated as employees of the management as the management only makes purchases of those materials locally from the suppliers. Thus only because the concerned workmen were supplying clay cartridges to the management of Bhatdee Colliery, it cannot be said that there is an existence of relationship of employer and employee between them.

The workmen have produced Ext. W-1 which is the standing orders for the coal mining industry. My attention has been drawn to the definition of an "employee" in Ext. W-1 and has been submitted that all working people, male or female, employed above ground or underground either

directly by the company or under a contractor are employees and on this basis it is said that the concerned workmen were also employees. In my opinion the case of the concerned workmen will not be covered under the definition of "Employees" as stated in the Standing orders for coal mining industries. The question will arise only if the concerned workmen were employed by the management or by any contractor. In the present case the concerned workmen do not appear to have been employed by the management but were mere suppliers of clay cartridges at a fixed rate and this being the position the concerned workmen cannot be said to be the employees of the Colliery.

Ext. W-2 is the minutes of discussion with the members of Bihar Colliery Kamgar Union and the management dated 7-1-78 and Ext. W-3 is the note of discussion of union management negotiation held on 27-11-80. These only show that the union had raised the question of regularising the workers preparing clay cartridges. But it appears that the management did not agree to it. In Ext. W-3 point-3 related to the persons working as clay cartridge mazdoor at Bhatdee Colliery. The decision was that the question of making them permanent was a policy matter and that the case was to be referred to Karmik Bhawan. Thus mere production of Ext. W-2 and W-3 cannot show that the concerned persons were the workmen of Bhatdee Colliery and it only shows that the union had raised the dispute regarding the said matters.

Taking the entire evidence on record, I hold that the concerned workmen are not clay cartridge mazdoors of Bhatdee colliery and there is no relationship of employer and employee between the concerned workmen and the management. I further held that the demand of the concerned workmen to treat them as workmen of the management as clay cartridge mazdoors and payment of Cat. I wages to them is not justified and as such they are entitled to no relief.

This is my Award.

[No. L-20012/(432)/81-D.III(A)]

I. N. SINHA, Presiding Officer

New Delhi, the 6th March, 1984

S.O. 1018.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Benedih Colliery of Messrs Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 28th February, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 65 of 1982

PARTIES :

Employers in relation to the management of Benedih Colliery of Messrs Bharat Coking Coal Limited,
Post Office Nawagarh, District Dhanbad.

AND

Their Workmen.

PRESENT :

Mr. Justice Manoranjan Prasad (Retd.) Presiding Officer.
APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri Anand Mohan Prasad, President,
Coalfield Labour Union.

STATE : Bihar

INDUSTRY : Coal

Dhanbad the 22nd February, 1984

AWARD

The Central Government in the Ministry of Labour has, by Order No. L-20012(57)/82-D.III(A) dated the 21st June,

1982, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication :—

"Whether the demand of the workmen of Benedih Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad for retirement of the workmen mentioned in the Annexure below as per their claimed dates of birth shown against their names in the Annexure, is justified? If so, to what relief are those workmen entitled?"

ANNEXURE

Name of the workman	Date of birth claimed
1. Hopna	1-7-1933
2. Bhikhu Roy	1-7-1937
3. Galwa Roy	1-7-1929
4. Khudu	1-7-1926
5. Br. Jailal	1-7-1932
6. Moti Mahato	1-7-1927

2. Admittedly, the management of Benedih colliery, which is a coking coal mine, was taken over by the Central Government with effect from 17-10-1971 and the management of Jairamdih colliery, which is a non-coking coal mine, was taken over with effect from 31-1-1973 and immediately thereafter it merged in Benedih colliery, and both Benedih colliery and Jairamdih colliery were nationalised with effect from 1-5-1973. All the six concerned workmen were admittedly loaders in Jairamdih colliery since the time of its out going owner and they continued to work as loaders even after the taking over of its management by the Central Government and its merger in Benedih colliery and ultimate vesting in M/s. Bharat Coking Coal Ltd. on nationalisation.

3. It is the case of the management that in Form 'B' register of Jairamdih colliery maintained by the out going owner, which was handed over at the time of taking over of its management by the Central Government, the age of some of the workmen were mentioned but the age of some others were not mentioned and in respect of the latter their age was mentioned in Form 'B' register prepared afresh by the present management on the basis of the age declared by them after enquiring from them about their age. In respect of the six concerned workmen also their age was not mentioned in Form 'B' register of the time of out going owner and hence in the Form 'B' register prepared afresh by the present management their declared age as on 31-1-1973 were mentioned and on the basis of their said declared age they have also since retired on attaining the age of 60 years which is the age of retirement and their different claimed dates of birth as shown against their names in the annexure to the order of reference, which would make them eligible for continuance in employment for several years more to come and postpone their retirement to some future dates, are wholly incorrect. The contention of the management, therefore, is that the demand of the concerned workmen for their retirement as per their claimed dates of birth shown against their names in the annexure to the order of reference is wholly unjustified and fit to be rejected and they are entitled to no relief.

4. The case of the concerned workmen, on the other hand, is that they have been prematurely retired by the management without any valid proof of their age and that the dates of birth as mentioned against their names in the annexure to the order of reference are their correct dates of birth according to which they are still entitled to continue in service for several years more before they would attain the age of 60 years which is the age of retirement.

5. Two witnesses have been examined on behalf of the concerned workmen and one witness has been examined on behalf of the management. One document has been marked as Ext. W-1 on behalf of the workmen and two documents have been marked as Exts. M-1 and M-2 on behalf of the management.

6. Regard being had to the frame of the order of reference, the burden is, undoubtedly, on the concerned workmen to prove their different dates of birth as mentioned against their names in the annexure to the order of reference. As already mentioned above, the number of the concerned workmen is six out of whom only two, namely, Hopna (WW-1) and Bhikhu Roy (WW-2) have been examined and

the remaining four have not been examined nor any evidence whatsoever has been led in support of the alleged dates of birth of those four as mentioned against their names in the annexure to the order of reference. Therefore, it can safely be said at the very outset that the workmen have hopelessly failed to prove the dates of birth as noted against those four, namely, Golwa Roy, Khundu, Br. Jailal and Moti Mahato. The position regarding Hopna (WW-1) and Bhukhu Roy (WW-2), who have been examined in this case, is also no better. Hopna, (WW-1) has given his present age in his deposition on 17-2-84 as 40 years but the date of his birth as given in the annexure to the order of reference in 1-7-33 according to which he would be above 50 years at present. It is, therefore, clear that he is further trying to minimise his age by ten years mere to have a further span of service over and above what he originally claimed and that he is not speaking the truth. In his cross-examination he has also confessed that he has got no paper to show as to in which year he was born. The other concerned workman Bhikhu Roy (WW-2) confessed in his deposition that he could not say his age nor he has got any paper to show what is his present age. Such being the nature of evidence adduced by the other two concerned workmen, namely, Hopna (WW-1) and Bhikhu Roy (WW-2), it can also be safely said that they had failed to prove their respective dates of birth as mentioned against their names in the annexure to the order of reference.

7. On the other hand, the management had examined Sri M. K. Singh (MW-1) who is at present working as Senior Personnel Officer in Berora Area within which Benedih colliery lies. He has deposed that in Form 'B' register of the period of the outgoing owner of Jairamdih colliery which was handed over to the management at the time of its take over the age of some of the workmen were mentioned but the age of some others were not mentioned and in respect of latter their age was mentioned in Form 'B' register prepared afresh by the present management on the basis of their declared age after enquiring from them about their age and similar was the case in respect of the six concerned workmen. According to him, the Form 'B' register of the period of the outgoing owner of Jairamdih colliery which was handed over to the management at the time of its take over is not traceable at present in the office; but his statement that the age of the concerned workmen were not entered in that Form 'B' register of the time of the outgoing owner is supported by the photostat copies (Ext. W-1) of the identity cards issued to the six concerned workmen and of the identity card register (Ext. M-1) in which also the columns meant for noting the dates of birth are blank. He has proved the Form 'B' register (Ext. M-2) which was prepared afresh by the present management in which in respect of some of the workmen their age was recorded on the basis of their age recorded in Form 'B' register of the outgoing owner but in respect of some others whose age was not recorded in Form 'B' register of the period of the outgoing owner their age was recorded in the Form 'B' register prepared afresh by the present management as on 31-1-1933 according to their own declarations. A perusal of the said Form 'B' register which was so prepared afresh by the present management would show that the age declared by the six concerned workmen, namely, Hopna, Bhikhu Roy, (Golwa Roy, Khundu, Br. Jailal and Moti Mahato, as on 31-1-1973 was respectively 52 years, 53 years, 53 years, 54 years, 52 years and 52 years, their respective serial nos. in Form 'B' register being 1062, 999, 922, 1063, 1030 and 1073. According to Sri M. K. Singh (MW-1) the concerned workmen had also put their thumb impression in Form 'B' register (Ext. M-2) against their relevant entries in token of acceptance of their declared age as recorded in the register. This has virtually been accepted by the two concerned workmen examined in this case namely, Hopna (WW-1) and Bhikhu (WW-2) both of whom have stated that after the nationalisation they had put their thumb impression in a register in which their names, father's names, home addresses and age were recorded on their declarations. According to their aforesaid declared age as mentioned in Form 'B' register (Ext. M-2) they had already passed their age of 60 years before 21-6-82, the date of the present reference, and they had rightly been retired by the management on their attaining that age which is the age of retirement.

8. In the result, there is no merit in the demand for the retirement of the concerned workmen as per their claimed dates of birth shown against their names in the annexure to the order of reference which is held to be wholly unjustified.

The concerned workmen are, therefore, entitled to no relief. The reference is answered and the award is made accordingly. But in the circumstances of the case there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer
[No. L-20012(57)/82-D.III(A)]

New Delhi, the 7th March, 1984

S.O. 1019.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Kargali Colliery of Central Coalfields Limited, P.O. Kargali, District Giridih, and their workmen, which was received by the Central Government on the 3rd March, 1984.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 17 of 1980

PARTIES :

Employers in relation to the management of Kargali Colliery of Central Coalfields Limited, P.O. Kargali, District Giridih.

AND

Their Workmen.

PRESENT :

Mr. Justice Manoranjan Prasad (Retd.) Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murty, Advocate.

For the Workmen—Shri B. Lal, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 29th February, 1984

AWARD

The Central Government in the Ministry of Labour has, by Order No. L-20012(92)/80-D.III(A) dated, the 21st September, 1980, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :—

“Whether action of the management of Kargali Colliery of Central Coalfields Limited, District Giridih in transferring 112 Coal Cutters (Group VA) mentioned in the Annexure-A as Over Burden Removal Workers (Grade JII) is justified. If not, to what relief are the said workmen entitled?”

ANNEXURE A

1. Haria
2. Sudhu
3. Barsato
4. Ful Kuar
5. Shanti
6. Sakhi Lal
7. Ambia
8. Paltan
9. Gandia
10. Rupai
11. Darpati
12. Bhim
13. Bhagaw
14. Nikhit Lal
15. Kelhi
16. Paran mati
17. Ruplal
18. Sobha
19. Tij mati
20. Budhani
21. Karmaha

22. Ramdas
23. Piladai
24. Pardeshi
25. Tij Ram
26. Rajni
27. Budhwara
28. Nekched
29. Ram Prasad
30. Jugeshwar
31. Narbadia
32. Gurbari
33. Khem bai
34. Birnath
35. Kirit Ram
36. Kusua
37. Jasoda
38. Pila Daw
39. Makhani
40. Chingorin
41. Sukwara
42. Nanki
43. Sanaw
44. Rabi Lal
45. Chini Lal
46. Rahas Mati
47. Matin
48. Pusaw
49. Chetaki
50. Jahaj Mati
51. Samarin
52. Madan
53. Budh Ram
54. Jall Mati
55. Etwari
56. Bhagwa Ram
57. Hira Lal
58. Ramayan Mati
59. Jillas
60. Dujai Ram
61. Ganpati
62. Pingal
63. Rambha
64. Kherbahurin
65. Molentin
66. Baisakhoo
67. Deorai
68. Ukhitram
69. Adhin
70. Ramlal
71. Chhabi Lal
72. Nanki
73. Mahrie
74. Seo Lal
75. Mangaloo
76. Mahetrin
78. Chamaru
79. Jot Kunwar
80. Guha Mati
81. Jagrit Ram
82. Gambhir
83. Ankdhin
84. Son Bai
85. Chedar
86. Guha
87. Bhago
88. Radha
89. Het Ram
90. Batu

91. Gampai
92. Srinad
93. Ghandela
94. Ful Bai
95. Sushila
96. Barat Ram
97. Konta
98. Bipat
99. Prem Das
100. Sao Prasad
101. Butaki
102. Gobardhan
103. Hinslall
104. Sona
105. Gahin
106. Bhukhaw
107. Bidhya
108. Munkoo
109. Chaimati
110. Tankoo
111. Dowa Mati
112. Gharnin."

2. The case of the management is that Kargali colliery consists of both underground and open cast mines. The open cast mines of Kargali colliery consists of No. 1 and No. 2 (combined) and No. 3 quarries and Dhor Patch quarry. Coal cutting is done normally in No. 1 quarry, in a portion of No. 2 quarry and also in Dhor Patch quarry. Mechanised coal winning is done only in Dohri patch quarry. Overburden removal is done by mechanised means in No. 2 quarry and manually in No. 1 and Dhor patch quarries. Due to high coal to overburden ratio (60 : 220), restricted working breadth, shortage of place for overburden disposal and digging of fire and isolation trenches, coal exposure legged behind and subsequently coal faces available for manual coal cutting in No. 1 and No. 2 quarries exhausted/reduced and coal production from April 1977 onwards come down considerably from No. 1 and No. 2 quarries. Due to unsafe mining condition and also restriction imposed by the Mines Department and shrinkage of coal faces, the colliery management had no other alternative but to shift the concerned 112 piece rated coal cutters of No. 1 and No. 2 (combined) and Dhor Patch quarries for overburden removal work in No. 1 and No. 2 (combined) and No. 3 quarries in April/May, 1977.

3. It is the further case of the management that thereupon the sponsoring union, the Koyla Mazdoor Union, raised an industrial dispute before the Asstt. Labour Commissioner (C), Hazaribagh in March, 1980 alleging that the service conditions of the 112 concerned workmen who were piece rated coal cutters belonging to Group VA had been changed by the management by transferring them as overburden removers which is a piece-rated job in a lower Group III and that proper wages were not being paid to them, and this ultimately led to the present reference.

4. The contention of the management is that the aforesaid arrangement, which has now been disputed, had been resorted to many a times in the past and had worked satisfactorily with no objection from any union, and, as such, any decision in favour of the workmen at this stage will simply create complications giving rise to further disputes in regard to past cases which remain settled so far. The aforesaid arrangement has in no way effected adversely the basic wages fall back wages of the workmen which is borne out from the details of the earnings of each individual concerned workman as shown in Annexure I to the management's written statement. The average daily earning in respect of the 112 concerned workmen who were formerly coal cutters in Group VA and who have been provided with alternative job of overburden removal in Group III in the circumstance explained above is found to be above Group VA fall back wages in all cases and thus even assuming for the time being although not accepting that the workers concerned were transferred from one job to another, their nature of job and wages were not affected by such transfer. This being the position as observed by the Labour Appellate Tribunal in the case of National Carbon Company (India Ltd.) Vs. Muktinath Singh and six others 1957 (II) LLJ. 567, where there was transfer of certain workers to different jobs, and

wages and dearness allowance were not affected by such transfer, although chances of earning an incentive become less, there was no adverse change in the conditions of service as there was no reduction in emoluments involved.

5. It is next the case of the management that periodical meetings are held between the management and different unions operating in Kargali colliery including the sponsoring union and the question of deployment of piece-rated workers engaged in coal faces to overburden removal work and vice versa has been discussed both with the recognised union and also with the sponsoring union and no objection over such deployment was ever raised at any time in view of the peculiar nature of working of this colliery. All that the union insisted was that when a Group VA worker is switched over from coal to overburden removal his basic wage should be protected and this was readily agreed to by the management. As stated above, since the earnings by and large of the piece rated workers deployed from coal to overburden removal are much more than the Group fall back wages of coal cutters there has been not many instances of allowing the Group wages only except in rare cases.

6. It is also the case of the management that where it was found that the coal cutters could not be gainfully employed in coal faces in No. 1 and 2 quarries they were offered alternative employment as coal cutters in Dhori Patch quarry and even in sister collieries where there was requirement of piece-rated workers for coal cutting job (Group VA), but they refused and they demanded their retention in No. 1 and No. 2 (combined) and No. 3 quarries though there was no coal face to utilise them there in coal cutting. This being the position the only alternative left with the management was to retrench them altogether but as a public sector undertaking and also for maintaining proper industrial relation the management deployed them in overburden removal section by which nobody lost their fall back wages in Group VA having been secured in the sense that even as overburden removers they were all getting above the fall back wages of Group VA. In the circumstance, the allegation that there was a change in service condition in putting the concerned workmen in overburden removal is misconceived and as such no notice under section 9A of the Industrial Disputes Act, 1947 was required for effecting the arrangement. Their job being of essentially piece rated it continues to be so and it is an universal practice that a piece rated workers is put from one job to another and that is why during the conciliation stage the only demand was that those workers who are being put from coal to overburden removal should have their fall back wages protected which was readily agreed to by the management.

7. It is the further case of the management that since then some new faces having been developed, a considerable number of the concerned workmen had already applied in writing to the management for deploying them in the coal faces and the management had acceded to their request.

8. On the aforesaid grounds the contention of the management is that the action of the management is perfectly justified and the concerned workmen are not entitled to any relief.

9. The case of the concerned workmen, on the other hand, is that prior to December, 1979 they were working as coal cutters and their service conditions, wages and other benefits were as applicable to coal cutters of Group VA but without giving any notice either to the union or to them the management started taking work forcibly from them in the overburden section and they were ordered to work as overburden removers though according to the award of Central Coal Wage Board recommendations, National Coal Wage Agreements etc. the coal cutters are placed in higher Group VA than the overburden removers who are in lower Group III. This transfer of the concerned workmen who were coal cutters as overburden removers materially and prejudicially affect them. By this transfer their service conditions, wages and other benefits have been changed to their prejudice in violation of the principles of natural justice and mandatory provisions of the Section 9A of the Industrial Disputes Act, 1947. The management is not justified in doing so, and it has acted illegally in changing their service conditions without giving any statutory notice either to the workmen or to their union. The management in Kargali colliery is

engaged in raising coal through heavy machines and thus has deprived the concerned workmen from earning higher wages and enjoying better facilities to which they are entitled. The management had established excavation section and employed highly mechanised heavy machines mainly for the purpose of exposing coal faces and this excavation work is still in operation, but the management has now started using the heavy machines in raising the coal production and this unfair practice of the management has resulted in slowing down the work of overburden removal. The management has adopted indirect tactics so that the earnings of these workmen is reduced although the management have been assuring to protect the minimum guaranteed wages but in fact even this minimum guaranteed wages is not protected. On the one hand, the management has deployed coal cutters in overburden removal work, and, on the other hand, heavy machines are deployed in raising coal and in this way the coal cutters who are entitled to work in coal section are forcibly asked to work in overburden section and the machines meant for use in exposing coal faces are being used for coal raising. The transfer of these workmen to the overburden section has directly affected their wages as well as their customary and statutory benefits to their prejudice. Before affecting such a change and the matter being directly covered under schedule IV to the Industrial Disputes Act, the management was bound to give statutory notice. Failure to give such a notice makes the order of transfer illegal. The management never asked the workmen to go to Dhori Patch quarry nor the workmen ever refused to be so transferred. The concerned workmen, therefore, deserve as a matter of right to be engaged and restored to the work of coal cutters and paid accordingly and are also entitled to other direct and incidental benefits from the date of their impugned transfer.

10. Five witnesses have been examined on behalf of the management and two witnesses have been examined on behalf of the concerned workmen. A large number of documents have also been exhibited on behalf of the management which have been marked Exs. M-1 to M-80. No document has been exhibited on behalf of the concerned workmen.

11. Sri Guptaeswar Roy (MW-1) is the Project Officer of Kargali Project since May, 1976. He has deposed that Kargali colliery was started in 1917 by the Railways and it has taken over by the Central Government in 1944 and on 1-10-1956 the N.C.D.C. which is now known as Central Coalfields Ltd. took over the colliery and when the colliery was under the Railways and thereafter under the Central Government coal was being extracted by open cast mining operation as well as by underground mining operation through the agencies of contractors but the contract system was abolished since 1954 and raising of overburden which also used to be done through contractors was directly taken over by the management since 1961. He has further deposed that in Kargali colliery there are three open cast mines, namely, Nos. 1, 2 and 3 and two underground mines, namely, Kargali pit and Kargali incline and when he took over as Project Officer in Kargali colliery, No. 1 open cast mine was being worked, some work was being done in No. 2 mine and another open cast mine known as Dhori Patch which is also included in Kargali colliery was being worked and besides that two underground mines referred to above were also being worked but there was no work in No. 3 open cast mine. According to him, from April, 1977 the raising of coal from No. 1 quarry declined due to shortage of faces as on side there was railway line, on the other side there was a fire, and the surface was full of residential buildings and washery structures, and, that apart, the Department of Mines had raised objection for violation of certain mining laws relating to safety. He has further deposed that as the raising of coal became restricted in the quarry on account of difficulties pointed out above, the management asked the coal cutters who were working previously to go to some other places, namely, Dhori Patch in Kargali colliery and other are as such as Barkakana etc. but the coal cutters refused to go elsewhere and agreed to be engaged in removal of overburden in Kargali colliery where they were previously working as coal cutters. He has next deposed that when the coal cutters who were doing coal cutting work previously, refused to go elsewhere and agreed to be engaged in removal of overburden in Kargali colliery, where they were previously working as coal cutters, the management engaged them in batches in the work of removal of overburden, and some of those coal cutters willingly took up the work of removal of overburden, while others, who did not come at the first instance to do the work of removal of overburden, themselves applied subsequently to the Manager in batches

to be transferred to overburden side and all those workmen who had requested the management to allow them to do the work of removal of overburden were permitted by the management. He has next deposed that overburden removed in day shift only while coal cutting work is done in all the three shifts and that the work of removal of overburden is easier than coal cutting. It is also his evidence that after some new faces were found out in No. 3 quarry and Dhori Patch, the management issued a notice asking the persons transferred from coal to overburden to come back to coal as coal cutters if they so liked and out of the concerned 112 workmen 29 had applied expressing their willingness to come back to coal which was allowed by the management and those 29 have come back as coal cutters, and if the remaining workmen express their willingness to come back as coal cutters in the quarry in question the management has no objection to engage them as coal cutters. He has further deposed that now more coal cutters/loaders are required because the management has now started removing coal from the margin with a breadth of 75 feet abutting the railway line on one side and the quarries on the other side and because new faces have become available for work in Dhori Patch after introduction of mechanised system. He has also proved a number of documents which have been exhibited and to which I shall refer at the appropriate places.

12. Sri Raja Ram (MW-2) is working as Personnel Manager in B&K Area which includes Kargali colliery and before that he was working in Dhori colliery which is adjacent to Kargali. He has deposed that at the time he was working at Dhori both open cast and underground mining were in operation and in open cast mining there used to be two types of work, one type was removal of overburden and the other type was extraction of coal and there was only one set of workers to do both types of work and when any worker was engaged for removal of overburden he was paid at the rate prescribed for overburden work and when he was engaged for extraction of coal he was paid at the rate prescribed for such work, and if a set of workers in course of removal overburden notices exposed coal that very same set of workers is engaged for removal of the exposed coal. He has also proved certain documents which have been exhibited and to which I shall refer at the appropriate places.

13. Sri Nagendra Prasad Sinha (MW-3) is working as Personnel Manager, Kuiu area. Before working in Kuiu area he was working in B&K area, Sudamdh colliery, Central Workshop, Corba, M. P., Kessergarh and North Damoda colliery. He has deposed that when he was in B&K Area, which includes Kargali colliery, there was occasion for engaging coal cutters in overburden removal work and this was done because of flooding of the quarries, fire in the quarries and lack of working faces, and when a coal cutter was deputed to work on overburden side he used to get minimum guaranteed wage for a coal cutter and there are other quarries where similar practice is followed and these areas where he had worked are Kuiu Area, Hazaribagh Area, North Karanpura Area etc. where a coal cutter when engaged in removal of overburden work was getting the rate of overburden remover.

14. Sri J. B. Sharma (MW-4) is posted as Project Manager, Dhori 'K' colliery at Dhori Area since December, 1979. From November, 1975 to October, 1977 he worked as Colliery Manager of Kargali colliery (open cast). From July, 1974 to October 1975 he had worked as Asst. Colliery Manager in Bokaro colliery. According to him, in Bokaro where manual labour was used for removal of overburden, labourers already in employment for cutting coal were diverted for removal of overburden and when engaged for removal of overburden they used to be paid accordingly on piece basis and after they finished their work they used to be engaged again in coal cutting for which they used to be paid accordingly on piece rate basis, and while he was at Bokaro the management was issuing orders for diverting labourers from coal cutting work to removal of overburden work and vice versa. He has next deposed that in Kargali colliery the same very practice was being followed and in all the three collieries about which he has deposed the labourers engaged either for removal of overburden or for cutting coal for diverted to other work for which they are also paid on piece rate basis admissible for the work for which they are engaged. He has also proved certain documents which have been

exhibited and to which I shall refer at the appropriate places.

15. Md. Basiruddin (MW-5) is working as a clerk in Kargali colliery since 1948. He has also proved certain documents which have been exhibited and to which I shall refer at the appropriate places.

16. Sri Seolal (W.W.1), who is one of the concerned workmen, has deposed that he is working in Kargali colliery Area last 32 years and since last 8 years he is working there as overburden remover and before that he was working as coal cutter and the other concerned workmen who were also working as coal cutters were similarly appointed as overburden removers about 8 years ago but other coal cutters continued to work as coal cutters. He has next deposed that the management did not give him and the other concerned workmen any written notice that their services were being transferred from coal to overburden removal work. He has also stated that he and the other concerned workmen did not join the job of overburden removal of their own free will and accord but they were forced to go to join as overburden removers by the management and their wages have been considerably reduced on their transfer from coal cutters to overburden removers. In his cross-examination he has stated that Kargali colliery is an old colliery having three quarries, one incline and one shaft mine and upto 1954 the colliery which belonged to the Central Government was being worked out through the contractor Ram Bilash Singh who was the contractor for cutting coal as well as for removal of overburden and during that time he and the other concerned workmen used to work both as coal cutters as well as overburden removers as and when required and they used to get their wages according to wages prescribed for coal cutting when they used to cut coal and similarly they used to get wages prescribed for overburden removers when they used to work as overburden removers. He has also stated that Dhori Patch quarry has now been included in Kargali colliery and in Quarry No. 3 of Kargali colliery there is very little extraction of coal because of Shrinkage of coal faces and in Quarry No. 2 the extraction of coal is continuing and it has not depleted and Quarry No. 1 and No. 2 are now amalgamated into one. He has further admitted that the Railway line is to the South of these quarries and to the North of these quarries there is fire in coal belt and about 3 or 4 years back the officers of the Director General of Mines Safety had gone there and had stopped working of the Kargali colliery towards the North side where there was fire in the coal belt and they had also stopped the working of the mine within a distance of 75 feet from the railway line towards the South. He has next stated that Kargali washery is towards the South of the colliery between the colliery and the railway line and to the South of the railway line there are several buildings. He has next stated that as the height of the coal seam in Kargali colliery is very steep the coal cutters have at times to suspend themselves with the help of rope for cutting coal which is arduous and while working as overburden remover sometimes there is difficulty in breaking big boulders but otherwise this work of overburden remover is comparatively easier than coal cutting and the overburden removal work is carried on only in one shift during the day time whereas coal cutting work is carried on all the 24 hours both during day and night in three shifts. It is also his evidence that work of coal cutter and the work of overburden remover are both piece-rated work and when he and other workmen used to work as coal cutter and the management was not in a position to provide them faces for work they still used to get certain minimum guaranteed wages.

17. Sri Suraj Nath Singh (WW-2) is the Zonal Secretary of the sponsoring union, the Koyla Mazdoor Union. He has deposed that the concerned workmen were formerly working as coal cutters and it was not the practice to employ them as overburden removers if and when required and his union had protested when they were transferred from coal cutters to overburden removers as that meant deduction in their wages. He has further deposed that the claim of the union is that the concerned workmen should be given the average wages of a coal cutters since the time they have been transferred from coal cutters to overburden removers.

18. From the aforesaid evidence of Sri Gupteswar Rai (MW-1), Project Officer of Kargali Project and of Sri Seolal (WW-1), one of the concerned workmen, it, therefore,

appears to be the admitted position that upto 1954 when the Kargali colliery belonged to the Central Government it was being worked through the contractor Ram Bilas Singh who was the contractor for cutting coal as well as for removal of overburden and during that time the concerned workmen Sheolal (WW-1) and others used to work both as coal cutters as well as overburden removers as and when required and they used to get their wages according to the wages prescribed for coal cutters when they used to cut coal and similarly they used to get wages prescribed for overburden removers when they used to work as overburden removers. It would, therefore, appear that in Kargali colliery there has been a long practice of employing the same set of workers for coal cutting as well as for overburden removal as and when required and to pay them accordingly. That this practice of employing coal cutters as overburden removers and vice versa as and when required has been prevalent not only in Kargali colliery but also in other collieries would also appear from Ext. M-59 which is one of the specimen orders dated 31-12-74 of the Dy. Supdt. of collieries, Bokaro, which has been filed by the management to show that even in Bokaro collieries workers have been transferred from coal cutters to overburden removers and vice versa. Ext. M-76, M-77 and M-79 are wage-sheets of Dhori Colliery and Ext. M-78 are wage-sheets for Tarun colliery for the years 1981 and 1982 showing that this practice is still being followed there. Ext. M-60 is a statement showing some specimen cases of conventional transfers of the piece rated workers of Kargali colliery from coal to overburden removal or other piece rated jobs and vice versa from 1974 including some of the concerned workmen such as Ambiya, Mangloo, Rupai, Chandela, Sushila and others and Ext. M-61 are supporting wage-sheets in respect of the same. Similarly Ext. M-62 is a statement showing deployment of some piece rated workers sometimes as coal cutters and sometimes as overburden removers in the beginning of 1977 in Kargali colliery including some of the concerned workman like Ram Das, Ram Prasad, Dowamati and others and Ext. M-63 are wage-sheets in support of the same. Sri Gupteswar Rai (MW-1), Project Officer, Kargali colliery project; Sri Raja Ram (MW-2), Personnel Manager, B&K Area which includes Kargali colliery; Sri Nagendra Prasad Singh (MW-3), Personnel Manager, Kuju Area and Sri J. R. Sharma (MW-4), Project Officer, Dhori 'K' colliery at Dhori Area have also pledged their oath in support of this long standing practice both in Kargali colliery as well as in some other collieries in which they had occasion to work. The evidence on record, therefore, establishes that there has been a long standing practice of engaging the coal cutters in the work of overburden removal not only in Kargali colliery but in other collieries as well as and when required, and to pay them wages of coal cutters when employed in coal cutting work and of overburden removers when employed in overburden removal work.

19. From the evidence of Sri Gupteswar Rai (MW-1) and Sri Sheolal (WW-1) it would further appear that because of the situation of the Kargali colliery which is abutted on one side by the railway line and on the other side by fire in coal belt with Kargali washery between the colliery and the railway line and several buildings beyond the railway line and also because of the intervention of the officers of the Director General of Mines Safety who had from the safety point of view stopped work of Kargali colliery towards the side where there was fire in the coal belt and had also stopped the working of the mine within a distance of 75 feet from the railway line few years back, raising of coal in Kargali colliery had become more and more restricted with shrinkage of coal faces. The aforesaid intervention by officers of Director General of Mines Safety is supported by Ext. M-13 to M-17 which are different letters issued from the office of the Director General of Mines Safety to the management of the Kargali colliery from time to time.

20. It was in this state of affairs that the 112 concerned workman who were formerly working as coal cutters in Kargali colliery gradually shifted to overburden removal work in the years 1977, 1978 and 1979. Ext. M-1 dated 18-5-77, Ext. M-2 dated 17-5-77, Ext. M-3 dated 11-3-77, Ext. M-4 dated 21-8-78, Ext. M-5 dated 12-7-78, Ext. M-6 dated 5-7-78, Ext. 7 dated 29-6-78, Ext. M-8 dated 16-6-78, Ext. M-9 dated 29-3-79, Ext. M-20 dated 16-10-78 and Ext. M-25 dated 1-7-78 are the transfer orders by which some of the concerned workmen, namely, Sadhu, Tiimati,

Karmaha, Piladai, Tijram, Nekched, Gurbari, Kirit Ram, Josada, Chingaria, Iwari, Hirai, Deorai, Mannie, Mangloo, Jagritram, Ankudin, Guha, Bhago, Paldai, Baratham, Konia, Burki, Sona, Bhukhow, Bidya, Munkoo, Cnammati and Gnamin were transferred from coal to overburden on their own application which are Exts. M-18, M-19, M-21, M-22, M-23, M-24, M-26, M-27 and M-28 in which they had themselves prayed for their transfer from coal to overburden on the ground that there was shortage of coal faces for them to work due to which they were losing their earnings day by day while remaining in coal. Ext. M-29 is a chart showing as to which of the above named concerned workmen were transferred on their own applications and by which orders. These papers would show that the above named concerned workmen were consenting parties to their transfer from coal to overburden section and they had themselves sought their transfers by making applications to the management when they found shortage of working faces in coal due to which they were losing their earnings from day to day. There is no transfer order on the record regarding the other concerned workmen who appear to have gone from coal to overburden by mutual oral consent for similar reasons. In the cross-examination of Gupteswar Rai (MW-1) some confusion was created on account of occurring of the name of Palton in the transfer order dated 17-5-77 (Ext. M-2) and again occurring of his name in the transfer order dated 29-6-78 (Ext. M-7) and the occurring of the name of Sonamati in the transfer order dated 17-5-1977 (Ext. M2) and in the subsequent application dated 19-9-78 (Ext. M-19) filed by Sonamati for her transfer from coal to overburden. But the same has been cleared by the management by filing the wage-sheets Exts. M-64 to M-69 and photostat copy of provident fund contribution register (Ext. M-80) which show that there are two workers of the name of Palton one is son of Jakhar who has already retired and the other is son of Bataloo who is still in service. The management has also filed the wage-sheets Ext. M-70 to M-75 which show that there are also two workers one of whom is Sonemati and the other is Son Bai out of whom Son Bai who is one of the concerned workman is the wife of Guha and Sonemati who is not a concerned workman is wife of Bisua. These facts have also been admitted by the concerned workman Sheolal (WW-1) in his cross-examination.

20. Ext. M-31 is a statement showing average basic earnings per day of each of the 112 concerned workmen during the six months just prior to their deployment from coal to overburden and their average basic earnings per day during the six months immediately after their transfer from coal to overburden which has been prepared by Sri Gupteswar Rai (MW-1), Project Officer, Kargali Project and is signed by him. The said statement has been filed by the management to show that even after their transfer from coal cutter to overburden removers the concerned workman earned per day more than daily basic wage or fall back wage (Minimum guaranteed wage) of a coal cutter and this was all that they were entitled to be protected. The said chart relates to a period between 1976 and 1978 when N.C.W.A.I. (Ext. M-11) was in force which remained effective for four years with effect from 1-1-75 to 31-12-78. Under the said N.C.W.A.I. the basic wage of a coal cutter or a pick miner, who belongs to Group VA was Rs. 13 and his fall back wage (guaranteed wage) was also Rs. 13 but from the aforesaid statement Ext. M-31 it would appear that the average basic earnings per day of the concerned workmen within a period of six months after their transfer from coal to overburden was much more than Rs. 13 per day though it was somewhat less than his average basic earnings per day as coal cutter within a period of six months prior to his transfer from coal to overburden. It has, therefore, been contended by Sri R. S. Murty on behalf of the management that the concerned workman can have no complaint for their transfer from coal to overburden as even after their transfer to overburden they had earned per day much more than the basic wage or fall back wage (guaranteed wage) of a coal cutter and this was all that they were entitled to be protected.

21. In this connection Sri Murty has also cited a decision of the Labour Appellate Tribunal in the case of National Carbon Company of India Ltd. vs. Muktinath Singh and six others (1957 (11) LLJ. 567) on which reliance has also been placed by the management in its written statement. In that case an appeal had been filed by the National Carbon Company (India) Ltd. against an award of compensation under section 33A of the Industrial Disputes Act in favour of the

respondents. The respondents' complaint was that during the pendency of an adjudication proceeding in which they were interested they were transferred by the company to jobs which brought them lesser total emoluments than what they used to get in their previous jobs entailing an adverse change of condition of their service. According to the learned Tribunal below, although it is an ordinary incidence of service that according to exigencies workmen can be transferred from one job to an allied job, yet the management cannot interfere with the inherent right of the workmen to receive the same total emoluments as they used to get before the transfer. But after transfer the respondents began to get lesser total emoluments than what they used to get on the average before and hence the learned Tribunal felt persuaded to award as compensation the differences of emoluments to the workmen concerned on their prayer under section 33A of the Industrial Disputes Act. It was contended in appeal by the company that the decision of the learned Tribunal below is based on a misconception. It was argued that the transferred workmen did not suffer any reduction as a transfer, voluntarily accepted by them, in their basic wages and dearness allowances, although there might have been fluctuations in the matter of their receipts in the shape of "incentives", and that as such the learned Tribunal should not have conceived that the transfer entailed a reduction of emoluments and therefore an adverse change of condition of service simply because of the adventitious fluctuations of receipts on the head of "incentives" which depended upon factors of production unconnected with usual conditions of service. It had been argued on the basis of this that the learned Tribunal below arrived at a completely erroneous view ignoring the patent fact that the transfer did not cause any reduction of the basic emoluments of the workmen and that rise and fall of receipts on the head of "incentives" are unconnected with extraneous factors unrelated to normal conditions of service. It was held by the Labour Appellate Tribunal that the transfer of the workmen concerned, voluntarily accepted, was a necessary alternative to retrenchment and that the transfer did not entail any loss of basic wages and dearness allowances on the part of the workmen transferred although their total emoluments fluctuated in connection with the receipts on the head of "incentive". Payments by way of "incentives" can never remain at a uniform level. It has already been pointed out that even before the transfer in question the workmen concerned did not receive at their old jobs uniform emoluments because of rise and fall of receipts on the head of "incentives". In these circumstances the Labour Appellate Tribunal did not accept the findings of the learned Tribunal below that there had been any reduction of basic emoluments of the workmen effecting an adverse change in the conditions of the service of the workmen transferred.

22. Ext. M-39 to M-42 are the minutes of the meetings between the management and Rashtriya Colliery Mazdoor Sangh, which, according to the management, is the recognised union, and also between the management and the sponsoring union, the Koyla Mazdoor Union, which also show that what the unions had insisted in course of those discussions was that the minimum guaranteed wages of the workmen who were previously working as coal cutters but were transferred as overburden removers should be protected as coal cutters and it was pointed out to them that the levana wage-sheets of the most of the workmen concerned were checked earlier and it was found that the workmen concerned had earned more than the Group wages applicable to coal cutters, and it was further decided that keeping in view the shortage of coal faces in Kargali colliery the matter has to be examined and as and when coal faces are available these overburden removers who were earlier in coal section should first be brought back to coal section.

23. Thereafter it appears that the management issued a notice dated 3-7-1981 (Ext. M-32) calling upon all piece rated workers of old coal section of open cast mines to submit their option to the under manager of respective quarries for working in coal section at No. 3 quarry and Dhouri Patch and thereafter a large number of workers applied for going back to coal by filing application which have been collectively marked as Ext. M-33. From amongst the 112 concerned workmen, Palton, Budhni, Jageswar, Sukwara, Sonaw, Pingal, Molenti, Baisakoo, Deorai, Ukhit Ram, Adhin, Ramlal, Maherio, Mangloo, Gunj Ram, Chamru, Jot Kumwar, Jagrit Ram, Gambhir, Bhago, Radha, Metram, Batu, Prem Das, Butki and Gahir had applied for such transfer from over-

burden to coal and their prayer was allowed by the management and they were all transferred from overburden section to coal by order dated 15-7-81 (Ext. M-34). Ext. M-36 is a statement showing the details of those concerned workmen under reference who were transferred to coal section (quarry) from overburden section of Kargali when work became available in coal for which option was given to piece rated workers working in overburden section.

24. By another Office Order dated 12-10-81 (Ext. M-45) out of the concerned workmen, Ful Kumar, Ram Das, Manki, Kher Baharin, Cheblal, Seolal, Mahatrin, Son Bai, Guha, Bhago, Ful Bai, Bratram, Bipat, Butaki, Gobardhan, Sona, Bhukhaw, Bidya, Mankoo, Chaimati, Tankoo and Gharnin were also transferred from overburden section to coal section. But, out of them, Ram Das Seolal, Mahatrin, Son Bai, Guha, Ful Bai, Bratram, Bipat, Butaki, Gobardhan, Sona, Bhakow, Bidya, Munkoo, Chaimati, Tankoo and Gharnin declined to go from overburden to coal on the ground that they were unable to work in coal either due to weakness or otherwise or due to some other reasons and they filed written applications Exts. M-46 to M-57 to the management to that effect.

25. Ext. M-37 is a statement dated 7-9-81 containing the names of those concerned workmen who are still working in overburden removal section of Kargali colliery on their own choice despite being given an option to go back to coal section as coal cutters. Their number is 70.

26. By issuing another notice dated 19-12-81 (Ext. M-58) the management gave another chance to the coal cutters working as overburden removers to return to the coal section as coal cutters on the availability of exposed coal and invited applications from the workers who were in overburden section due to shortage of coal faces to be considered to be deployed in coal section which is exposed in Dhori Patch and No. 3 quarry, but it appears that no further applications have come from the remaining concerned workmen who are still continuing to work in overburden section as overburden removers of their own inspite of the offer given by the management to revert to the coal section as coal cutters if they so liked.

27. Ext. M-30 is yet another statement dated 7-9-81 showing the names of such of the concerned workmen who have either already retired under the voluntary retirement scheme (Ext. M-10) or who are already dead from which it would appear that out of the concerned workmen, Ful Khar, Sakli Lal, Bhim, Kelhi, Narbadia, Chetaki, Madan, Budhram, Rambha, Guhamati, Ankidin, and Sheo Prasad had already retired either in 1980 or in January, 1981. The said chart further shows that another workman named Budhni died on 8-7-80 and so far she is concerned her claim does not survive. [See Bihar Working Journalists' Union Vs. M. K. Chandhuri and another (AIR 1968 Pat. 135) and V. Veeramani Vs. Madurai Dist. Cooperative Supply and Marketing Society Limited, Madurai and another (1983 (II) LLJ. 88)].

28. From what has been discussed above it is abundantly clear that there has been a long standing practice of engaging the piece rated workers in coal cutting work as well as in overburden removal work not only in Kargali colliery but in other collieries as well, as and when required, and to pay them wages of coal cutters when employed in coal cutting work and of overburden remover when employed in overburden removal work. The evidence also shows that because of the peculiar situation of Kargali colliery and the intervention of the officers of the Director General of Mines Safety from safety point of view, raising of coal in Kargali colliery had become more or more restricted with shrinkage of coal faces from 1977 onwards and it was in this state of affairs that the 112 concerned workmen who were formerly working as coal cutters in Kargali colliery gradually shifted to overburden removal work in the years 1977, 1978 and 1979, many of whom had filed written applications before the management for their transfer from coal to overburden removal work on the ground that there was shortage of coal faces for them to work due to which they were losing their earnings day by day while remaining in coal and it was on their said written applications that they were transferred from coal to overburden removal work by different orders of the management in the years 1977, 1978 and 1979. There is no similar transfer orders on the record regarding the transfer of other concerned workmen from coal to overburden section who appear to have gone from coal to overburden by mutual oral consent for similar reasons. In the circumstance, there was also no question of giving any

notice under section 9A of the Industrial Disputes Act, 1947 by the management to the concerned workmen. While going from coal to overburden removal section their basic wage or fall back wage (minimum guaranteed wage) as coal cutters was also not affected as even while working as overburden removers they continued to earn more than daily basic wage or fall back wage (minimum guaranteed wage) of a coal cutter and this was all that the union had also been pressing before the management in course of different meetings. As far back as on 3-7-81 the management had also issued a notice (Ext. M-32) calling upon all piece-rated workers of old coal section of open cast mines to submit their options for working in coal section at No. 3 quarry and Dhori Patch and thereafter a large number of workers including many from amongst the concerned workmen had applied for going back to coal by filing applications which were all allowed by the management and they were all transferred from overburden section to coal by order dated 15-7-81 (Ext. M-34). Again by another Office Order dated 12-10-81 (Ext. M-45) many of the concerned workmen were transferred by the management from overburden section to coal section but many of them declined to go from overburden to coal on the ground that they were unable to work in coal either due to weakness or otherwise or due to some other reasons and they filed written applications (Exts. M-46 to M-57) to the management to that effect. Several concerned workmen as shown in the statement (Ext. M-30) 7-9-81 had already voluntarily retired either in 1980 or in January 1981 and one workman named Budhni had died on 8-7-80. The 70 concerned workmen named in the statement dated 7-9-81 (Ext. M-37) continued to work in overburden removal section on their own choice despite being given an option to go back to coal section as coal cutters. On the availability of exposed coal, the management reiterated its willingness to take back the coal cutters working as overburden removers to the coal section as coal cutters and gave another chance to the concerned workmen by issuing another notice dated 19-12-81 (Ext. M-58) inviting applications from those who were still in overburden section to be considered to be deployed in coal section which was exposed on Dhori Patch and No. 3 quarry but none responded thereafter and no such further application was filed by any of the concerned workmen who were still working as overburden removers in spite of the option twice given to them to return back as coal cutters. At the time of hearing also Sri Guptaeswar Rai (MW-1) Project Officer of Kargali Project and Sri Raja Ram, Personnel Manager, B & K Area which includes Kargali colliery, had in their respect evidence reiterated the offer that if the remaining concerned workmen express their willingness to come back as coal cutters in the quarry in question the management has got no objection to engage them as coal cutters and the management is still willing to abide by the notice dated 19-12-81 (Ext. M-58) and to transfer the remaining concerned workmen from overburden removal

section to coal section if they so volunteer. It is, however, intriguing that no further application has been received by the management from the remaining concerned workmen for being transferred from overburden removal section to coal as coal cutters though orally Seolal (WW-1), one of the concerned workmen, stated in his evidence that he and the other concerned workmen had never refused any offer of the management to employ them as coal cutters in Dhori Patch and that they are even now prepared to go as coal cutters if they are so ordered and Sri Suraj Nath Singh (WW-2), Zonal Secretary of the sponsoring union, also stated that the concerned workmen never refused to go back to their original job of coal cutters and they are still ready to revert to their original job of coal cutters. In the circumstance it is not understood what prevents them from joining as coal cutters except their physical inability or unwillingness to work as coal cutters, because, as has been stated by Seolal (WW-1), one of the concerned workmen, as the height of the coal seam in Kargali colliery is very steep, the coal cutters have at times to suspend themselves with the help of ropes for cutting coal which is arduous while the work of overburden removers is comparatively easier which is carried on only in one shift during the day time whereas coal cutting work is carried on all the 24 hours both during day and night in three shifts. This inference follows from the applications Exts. M-46 to M-57 filed by many of the concerned workmen expressing their unwillingness to go from overburden section to coal section on the ground that they were unable to work in coal as coal cutters either due to weakness or otherwise or due to some other reasons after they were transferred by the management from overburden removal section to coal section by order dated 12-10-81 (Ext. M-45), and it is significant to note here that Seolal (WW-1) had also filed a similar application dated 15-10-80 (Ext. M-49) declining to go to coal as coal cutter from overburden section where he too was transferred from overburden section to coal section as coal cutter by the aforesaid order dated 12-10-81 (Ext. M-45) which exposes the falsity of his oral evidence in court where he has stated that he and the other concerned workmen never refused any offer of the management to employ them as coal cutters and that they are even now prepared to go as coal cutters if they are so ordered.

29. In the circumstances explained above, the action of the management must be held to be justified and the concerned workmen must be held to be entitled to no relief. The reference is answered and the award is made accordingly. But in the circumstance of the case there will be no order as to cost.

MANORANJAN PRASAD, Presiding Officer.

[No. L-20012(92)/80-D. III(A)]

A. V. S. SARMA, Desk Officer

